

## Definitions

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(1) In this Act,

"ANS Corporation" - means NAV CANADA, a corporation incorporated on May 26, 1995 under Part II of the *Canada Corporations Act*; (*société*)

"aerodrome" - means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith; (*aérodrome*)

"aeronautical product" - means any aircraft, aircraft engine, aircraft propeller or aircraft appliance or part or the component parts of any of those things, including any computer system and software; (*produits aéronautiques*)

"air carrier" - means any person who operates a commercial air service; (*transporteur aérien*)

"aircraft" - means

(a) until the day on which paragraph (b) comes into force, any machine capable of deriving support in the atmosphere from reactions of the air, and includes a rocket; (*aéronef*)

(b) [Repealed before coming into force, 2008, c. 20, s. 3]

"air navigation services" - has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*; (*services de navigation aérienne*)

"airport" - means an aerodrome in respect of which a Canadian aviation document is in force; (*aéroport*)

"air traffic control services" - has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*; (*services de contrôle de la circulation aérienne*)

"aviation reservation system" - means a system that provides the capability to make reservations or issue tickets for air services; (*système de réservation de services aériens*)

"aviation security regulation" - means a regulation made under subsection 4.71(1); (*règlement sur la sûreté aérienne*)

"Canada" [Repealed, 1996, c. 31, s. 56]

"Canadian aircraft" - means an aircraft registered in Canada; (*aéronef canadien*)

"Canadian aviation document" - means, subject to subsection (3), any licence, permit, accreditation, certificate or other document issued by the Minister under Part I to or with respect to any person or in respect of any aeronautical product, aerodrome, facility or service; (*document d'aviation canadien*)

"Civil air navigation services" - has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*; (*services de navigation aérienne civile*)

"commercial air service" - means any use of aircraft for hire or reward; (*service aérien commercial*)

"emergency direction" - means a direction made under Section 4.76 or 4.77; (*directive d'urgence*)

"hire or reward" - means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft; (*rémunération*)

"interim order" - means an interim order made under subsection 6.41(1) or (1.1); (*arrêté d'urgence*)

"Minister" - means

(a) subject to paragraph (b), the Minister of Transport or any other Minister that is designated by the Governor in Council as the Minister for the purposes of this Act, and

(b) the Minister of National Defence - or, under the direction of the Minister of National Defence, the Chief of the Defence Staff appointed under the *National Defence Act* - with respect to any matter relating to defence, including any matter relating to any of the following:

(i) military personnel, a military aeronautical product, a military aerodrome or military equipment of Canada or a foreign state, or a military facility of Canada

or a foreign state relating to aeronautics, and

(ii) a service relating to aeronautics provided by such personnel, by means of such an aeronautical product or such equipment or at such an aerodrome or facility; (*ministre*)

"pilot-in-command" - means, in relation to an aircraft, the pilot having responsibility and authority for the operation and safety of the aircraft during flight time; (*commandant de bord*)

"registered owner" - in respect of an aircraft, means the person to whom a certificate of registration for the aircraft has been issued by the Minister under Part I or in respect of whom the aircraft has been registered by the Minister under that Part; (*propriétaire enregistré*)

"security clearance" - means a security clearance granted under Section 4.8 to a person who is considered to be fit from a transportation security perspective; (*habilitation de sécurité*)

"security measure" - means a measure made under subsection 4.72(1) or 4.73(1); (*mesure de sûreté*)

"superior court" - means

(a) in the Province of Newfoundland and Labrador, the Trial Division of the Supreme Court of the Province,

(a.1) in the Province of Ontario, the Superior Court of Justice,

(b) in the Province of Quebec, the Superior Court of the Province,

(c) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench for the Province,

(d) in the Provinces of Nova Scotia, British Columbia and Prince Edward Island, the Supreme Court of the Province, and

(e) the Supreme Court of Yukon, the Supreme Court of the Northwest Territories and the Nunavut Court of Justice; (*juridiction supérieure*)

"Tribunal" - means the Transportation Appeal Tribunal of Canada established by subsection 2(1) of the *Transportation Appeal Tribunal of Canada Act*. (*Tribunal*)

## "Minister" for certain purposes

(2) Despite the definition "Minister" in subsection (1), "Minister", in relation to any matter referred to in paragraph 4.2(1)(n), 4.9(p), (q) or (r) or 8.7(1)(b), means the Minister of National Defence.

## Exception

(3) The following documents are deemed not to be a Canadian aviation document for the purposes of Sections 6.6 to 7.21:

- (a) a security clearance;
- (b) a restricted area pass that is issued by the Minister in respect of an aerodrome that the Minister operates; and
- (c) a Canadian aviation document specified in an aviation security regulation for the purpose of this subsection.

[R.S., 1985, c. A-2, s. 3; R.S., 1985, c. 33 (1<sup>st</sup> Supp.), s. 1; 1992, c. 4, s. 1; 1996, c. 20, s. 99, c. 31, s. 56; 1999, c. 3, s. 13, c. 31, s. 4; 2001, c. 29, s. 33; 2002, c. 7, s. 79(E); 2004, c. 15, ss. 2, 111; 2014, c. 29, s. 10; 2015, c. 3, s. 3.]

## Prohibitions

### 7.3 (1) No person shall

- (a) knowingly make any false representation for the purpose of obtaining a Canadian aviation document or any privilege accorded thereby;
- (b) wilfully destroy any document required under this Part to be kept;
- (c) make or cause to be made any false entry in a record required under this Part to be kept with intent to mislead or wilfully omit to make any entry in any such record;
- (d) wilfully obstruct any person who is performing duties under this Part;
- (e) except as authorized under this Part, wilfully operate or otherwise deal with an aircraft that has been detained under this Part;
- (f) wilfully do any act or thing in respect of which a Canadian aviation document is required except under and in accordance with the required document; or
- (g) wilfully do any act or thing in respect of which a Canadian aviation document is

required where

- (i) the document that has been issued in respect of that act or thing is suspended, or
- (ii) an order referred to in subsection 7.5(1) prohibits the person from doing that act or thing.

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## Part I - General Provisions

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### 100.01 Short Title

These Regulations may be cited as the *Canadian Aviation Regulations*.

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## Subpart 1 - Interpretation

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### 101.01 Interpretation

(1) In these Regulations:

"ACAS" or "Airborne Collision Avoidance System" - means an aircraft system based on transponder signals that operates independently of ground-based equipment and is intended to provide aural and visual alerts to a flight crew on the risk of collision with an approaching aircraft equipped with a transponder; (*ACAS ou système anticollision embarqué*)

[Amended 2007/07/01 - No Previous Version]

"Act" - means the *Aeronautics Act*; (*Loi*)

"advanced ultra-light aeroplane" - means an aeroplane that has a type design that is in compliance with the standards specified in the manual entitled *Design Standards for Advanced Ultra-light Aeroplanes*; (*avion ultra-léger de typé évolué*)

"aerial work" - means a commercial air service other than an air transport service or a flight training service; (*travail aérien*)

"aerial work zone" - means an area, delineated in an aerial work zone plan, in which aerial work is being conducted and that is over a built-up area of a city or town or over or adjacent

to an area where persons may assemble; (*zone de travail aérien*)

"aerial work zone plan" - means a risk management plan for proposed aerial work; (*plan de zone de travail aérien*)

"aerobatic manoeuvre" - means a manoeuvre where a change in the attitude of an aircraft results in a bank angle greater than 60 degrees, an abnormal attitude or an abnormal acceleration not incidental to normal flying; (*acrobatie aérienne*)

"aerodrome traffic" - means all traffic on the movement area of an aerodrome and all aircraft operating at or in the vicinity of the aerodrome; (*circulation d'aérodrome*)

"aeroplane" - means a power-driven heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on surfaces that remain fixed during flight; (*avion*)

"AGL" - means above ground level; (*AGL*)

"air operator" - means the holder of an air operator certificate; (*exploitant aérien*)

"air operator certificate" - means a certificate issued under Part VII that authorizes the holder of the certificate to operate a commercial air service; (*certificat d'exploitation aérienne*)

"air route" - means the airspace identified as such within the boundaries or along the tracks specified

(a) in the case of controlled airspace, in the *Designated Airspace Handbook*, or

(b) in the case of uncontrolled airspace, on an aeronautical chart; (*route aérienne*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"air show" - means an aerial display or demonstration before an invited assembly of persons by one or more aircraft; (*spectacle aérien*)

"air time" - means, with respect to keeping technical records, the time from the moment an aircraft leaves the surface until it comes into contact with the surface at the next point of landing; (*temps dans les airs*)

"air traffic advisory services" - means the provision by an air traffic control unit or flight service station of aeronautical safety information, including aviation weather information and serviceability reports in respect of aerodromes and radio navigation aids, but does not include the provision of IFR air traffic control messages; (*services consultatifs de la*

*circulation aérienne)*

"air traffic control clearance" - means an authorization issued by an air traffic control unit that authorizes an aircraft to proceed within controlled airspace in accordance with the conditions specified by that unit; (*autorisation du contrôle de la circulation aérienne*)

"air traffic control instruction" - means a directive issued by an air traffic control unit for air traffic control purposes; (*instructions du contrôle de la circulation aérienne*)

"air transport service" - means a commercial air service that is operated for the purpose of transporting persons, personal belongings, baggage, goods or cargo in an aircraft between two points; (*service de transport aérien*)

"aircraft flight manual" - means a manual, requirements for which may be established by the Minister in Part V, that contains information in respect of an aircraft; (*manuel de vol de l'aéronef*)

"airport" - means an aerodrome in respect of which an airport certificate issued under subpart 2 of Part III is in force; (*aéroport*)

"airship" - means a power-driven, lighter-than-air aircraft; (*dirigeable*)

"airway" - means the controlled airspace identified as such within the boundaries or along the tracks specified in the *Designated Airspace Handbook*; (*voie aérienne*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"airworthiness directive" - means an instruction issued by the Minister or by a civil aviation authority responsible for an aeronautical product type design that mandates a maintenance or operation action to ensure that an aeronautical product conforms to its type design and is in a condition for safe operation; (*consigne de navigabilité*)

"airworthiness limitation" - means a limitation applicable to an aeronautical product, in the form of a life limit or a maintenance task that is mandatory as a condition of the type certificate; (*limite de navigabilité*)

"airworthy" - in respect of an aeronautical product, means in a fit and safe state for flight and in conformity with its type design; (*en état de navigabilité*)

"alert height" - means the height above a runway, based on the flight characteristics of an aircraft and its fail-operational automatic landing system, above which a CAT III precision approach is to be discontinued and a missed approach procedure initiated in the event of a failure of the ground equipment or one of the redundant parts of the aircraft automatic

landing system; (*hauteur d'alerte*)

[Amended 2014/05/29 - No Previous Version]

"all-engines-operating take-off distance" - means the distance from the start of the take-off roll to the point at which the aeroplane reaches the height above the runway elevation specified in the certification basis of the aeroplane; (*distance de décollage avec tous les moteurs opérants*)

"all-engines-operating take-off run" - means the distance from the start of the take-off roll to the point midway between the lift-off point and the point at which the aeroplane reaches the height above the runway elevation specified in the certification basis of the aeroplane; (*roulement au décollage avec tous les moteurs opérants*)

"alternate aerodrome" - means an aerodrome to which a flight may proceed when landing at the intended aerodrome of destination becomes inadvisable; (*aérodrome de dégagement*)

"altimeter setting region" - means the low level airspace so specified, and delineated, in the *Designated Airspace Handbook*; (*région de calage altimétrique*)

"appliance" - means any instrument, mechanism, equipment, apparatus or accessory that is

(a) used, or intended to be used, in operating or controlling an aircraft in flight,

(b) installed in or attached to, or intended to be installed in or attached to, the aircraft, and

(c) not part of the airframe, engine or propeller of that aircraft; (*appareillage*)

"appropriate frequency" - means

(a) the radio frequency specified by an air traffic control unit or flight service station for use by the pilot-in-command of an aircraft,

(b) the mandatory frequency for use at or in the vicinity of an aerodrome for which a mandatory frequency has been specified, or

(c) in any case not described in paragraph (a) or (b), the frequency specified for an aerodrome or an airspace in the *Canada Air Pilot* or the *Canada Flight Supplement*; (*fréquence appropriée*)

"apron" - means a part of an aerodrome, other than the manoeuvring area, that is intended



to be used for the loading and unloading of passengers and cargo, the refuelling, servicing, maintenance and parking of aircraft and the movement of aircraft, vehicles and persons engaged in services necessary for those purposes; (*aire de trafic*)

"APU" or "auxiliary power unit" - means any power unit that delivers rotating shaft power or compressed air, or both, and that is not intended for direct propulsion of an aircraft; (*APU ou groupe auxiliaire de bord*)

"APV" - means approach procedure with vertical guidance; (*APV*)

[Amended 2006/12/01 - No Previous Version]

"arctic control area" - Repealed

[Repealed 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 1.]

"ASDA" or "accelerate-stop distance available" - means, in respect of a runway, the length of the take-off run available plus the length of the stopway, where a stopway is provided; (*ASDA ou distance accélération-arrêt utilisable*)

"ASL" - means above sea level; (*ASL*)

"ATC unit" or "air traffic control unit" - means

(a) an area control centre established to provide air traffic control service to IFR aircraft,

(b) a terminal control unit established to provide air traffic control service to IFR aircraft while they are being operated within a terminal control area, or

(c) an air traffic control tower established to provide air traffic control service at an aerodrome; (*unité ATC ou unité de contrôle de la circulation aérienne*)

"ATS" or "air traffic services" - includes air traffic control services, advisory services and flight information services; (*ATS ou services de la circulation aérienne*)

[Amended 2008/01/01 - Previous Version Dated 1996/10/10]

"ATS operations certificate" - means a certificate issued under Part VIII that authorizes its holder to operate an air traffic control unit or a flight service station; (*certificat d'exploitation des ATS*)

[Amended 2008/01/01 - No Previous Version]

"AWOS" or "automated weather observation system" - means a set of meteorological sensors, and associated systems designed to electronically collect and disseminate

meteorological data; (*AWOS ou système automatisé d'observations météorologiques*)

"AX class" - means a classification of balloons by size, as established by the Fédération Aéronautique Internationale (FAI); (*classe AX*)

[Amended 2006/06/30 - No Previous Version]

"balloon" - means a non-power-driven lighter-than-air aircraft; (*ballon*)

"balloon operator" - means the holder of a special flight operations certificate - balloons issued under Section 603.18; (*exploitant de ballons*)

"basic ultra-light aeroplane" - means an aeroplane having no more than two seats, designed and manufactured to have

(a) a maximum take-off weight not exceeding 544 kg, and

(b) a stall speed in the landing configuration ( $V_{SO}$ ) of 39 knots (45 mph) indicated airspeed, or less, at the maximum take-off weight; (*avion ultra-léger de base*)

[Amended 2003/06/01 - No Previous Version]

"Canada Air Pilot" - means an aeronautical information publication published by NAV CANADA that contains information on instrument procedures; (*Canada Air Pilot*)

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

"Canada Flight Supplement" - means an aeronautical information publication published under the authority of the Minister of Transport and the Minister of National Defence that is intended to be used to supplement enroute charts and the *Canada Air Pilot*; (*Supplément de vol-Canada*)

"Canadian" -

(a) with respect to the operation of a commercial air service for which a licence to operate a domestic service is required under the *Canada Transportation Act*, has the same meaning as in subsection 55(1) of the *Canada Transportation Act*, and

(b) with respect to the operation of any other commercial air service, means

(i) a Canadian citizen or a permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*,

(ii) a government in Canada or an agent or mandatary of such a government, or

(iii) a corporation or entity that is incorporated or formed under the laws of Canada or a province, that is controlled in fact by Canadians and of which at least 75% of the voting interests are owned and controlled by Canadians; (*Canadien*)

[Effective 2018/06/25 - Previous Version Dated 1996/10/10]

"Canadian Domestic Airspace" - means the airspace specified, and delineated as such, in the *Designated Airspace Handbook*; (*espace aérien intérieur canadien*)

"Canadian Technical Standard Order (CAN-TSO) design approval" - means a document issued by the Minister to record the approval of the type design of an appliance or a part identified in the document by a model number, by a part number or by some other identification unique to the appliance or part, and includes a type approval for an aircraft appliance issued before October 10, 1996 under Section 214 of the *Air Regulations* and a type certificate for an aircraft appliance issued before December 1, 2009 under Section 511.11 or 511.21; (*approbation de la conception selon les spécifications techniques canadiennes (CAN-TSO)*)

[Amended 2009/12/01 - No Previous Version]

"CAN-TSO" or "*Canadian Technical Standard Order*" - means a standard of airworthiness for an appliance or a part

(a) that is published by the Minister, or

(b) that is published by a foreign state with which Canada has an airworthiness agreement or similar arrangement and that is adopted by the Minister and specified in Chapter 537 - Appliances and Parts of the *Airworthiness Manual*; (*CAN-TSO ou spécifications techniques canadiennes*)

[Amended 2009/12/01 - No Previous Version]

"CAT II minima" - in respect of an aerodrome, means the minima specified in the *Canada Air Pilot* for a CAT II precision approach to a runway at that aerodrome; (*minimums CAT II*)

"CAT III minima" - in respect of an aerodrome, means the minima specified in the *Canada Air Pilot* for a CAT III precision approach to a runway at that aerodrome; (*minimums CAT III*)

"category" - means

(a) when used in reference to flight crew licensing, the classification of aircraft as an aeroplane, a balloon, a glider, a gyroplane, a helicopter or an ultra-light aeroplane, and

(b) when used in reference to the certification of aircraft, a grouping of aircraft based

upon intended use or operating limitations such as normal, utility, aerobatic, commuter and transport; (*catégorie*)

"child restraint system" - means any device, other than a safety belt, that is designed to restrain, seat or position a person and that conforms to the applicable standards of airworthiness set out in Chapter 551 - Aircraft Equipment and Installation of the *Airworthiness Manual*; (*ensemble de retenue d'enfant*)

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

"class" - in relation to the classification of aeroplanes, means aeroplanes having similar operating characteristics to single-engined aeroplanes, multi-engined aeroplanes, centre-line thrust aeroplanes, land aeroplanes or sea aeroplanes; (*classe*)

"co-authority dispatch" - means the shared responsibility of the pilot-in-command and the flight dispatcher for all decisions respecting the operational flight plan prior to its acceptance by the pilot-in-command, and for the flight watch; (*régulation des vols en coresponsabilité*)

[Amended 2014/05/29 - No Previous Version]

"Commercial Air Service Standards" - means the standards published under the authority of the Minister that apply in respect of commercial air services operated by air operators; (*Normes de service aérien commercial*)

"commercial part", in respect of an aircraft - means a part

(a) that is not specifically designed or produced for use as an aeronautical product,

(b) that is made to a specification or catalogue description and marked under an identification scheme of the maker, and

(c) whose failure does not adversely affect the continued safe flight and take-off and landing of the aircraft; (*pièce commerciale*)

[Amended 2002/03/01 - No Previous Version]

"company operations manual" - means a manual established by an air operator pursuant to Part VII; (*manuel d'exploitation de la compagnie*)

"contracting state" - means a state that is a party to the Convention; (*État contractant*)

"control area" - means the controlled airspace within Canadian Domestic Airspace that is specified as the Arctic Control Area, the Northern Control Area or the Southern Control Area in the *Designated Airspace Handbook* and that extends upwards vertically from a

specified altitude or a specified pressure-altitude; (*région de contrôle*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"control zone" - means the controlled airspace that is so specified in the *Designated Airspace Handbook* and that extends upwards vertically from the surface of the earth up to and including 3,000 feet AGL, unless otherwise specified in that Handbook; (*zone de contrôle*)

"controlled aerodrome" - means an aerodrome at which an air traffic control unit is in operation; (*aérodrome contrôlé*)

"controlled airspace" - means an airspace of fixed dimensions that is so specified in the *Designated Airspace Handbook* and within which air traffic control service is provided; (*espace aérien contrôlé*)

"Convention" - means the Convention on International Civil Aviation signed on behalf of Canada at Chicago on December 7, 1944, as amended from time to time; (*Convention*)

"crew member" - means a person who is assigned to duty in an aircraft during flight time, or assigned to duty related to the operation of a remotely piloted aircraft system during flight time; (*membre d'équipage*)

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

"critical engine" - means the engine the failure of which would most adversely affect the performance or handling qualities of an aircraft; (*moteur le plus défavorable*)

"CUSMA" - has the meaning assigned by the definition Agreement in Section 2 of the *Canada-United States-Mexico Agreement Implementation Act. (ACEUM)*

[Effective 2020/06/26 - No Previous Version]

[SOR/2020-150, s. 1.]

"CVFR" or "controlled VFR flight" - means a flight conducted under the visual flight rules within Class B Airspace and in accordance with an air traffic control clearance; (*CVFR ou vol VFR contrôlé*)

[Effective 2019/06/14 - No Previous Version]

"CVR" or "cockpit voice recorder" - means a system that uses a combination of microphones and other analog and digital devices to record and retain the aural environment of a cockpit as well as communications to, from and between flight crew members; (*CVR ou enregistreur de la parole dans le poste de pilotage*)

[Effective 2019/05/29 - No Previous Version]

"danger area" - means an airspace of fixed dimensions that is so specified in the *Designated Airspace Handbook*, within which activities dangerous to the flight of aircraft could take place at the times specified in the Handbook; (*zone dangereuse*)

"dangerous goods" - means dangerous goods as defined in Section 2 of the *Transportation of Dangerous Goods Act, 1992*; (*marchandises dangereuses*)

"day" or "daylight" - means the time between the beginning of morning civil twilight and the end of evening civil twilight; (*jour*)

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

"decision height" - means the height specified in the *Canada Air Pilot* or the *Restricted Canada Air Pilot* at which a missed approach procedure is to be initiated during a precision approach if the required visual reference necessary to continue the approach to land has not been established; (*hauteur de décision*)

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

"*Designated Airspace Handbook*" - means the manual that contains information in respect of the designation of airspace and that is published under the authority of the Minister; (*Manuel des espaces aériens désignés*)

"elementary work" - means those tasks that are listed as elementary work in the *Aircraft Equipment and Maintenance Standards*; (*travaux élémentaires*)

"ELT" - means an emergency locator transmitter; (*ELT*)

[Amended 2002/09/24 - No Previous Version]

"empty weight" - in respect of an aircraft, means the total weight of the following parts or contents that are part of, or carried on board, the aircraft, namely,

- (a) the airframe, including the rotor in the case of a helicopter or gyroplane,
- (b) the power plant,
- (c) the fixed ballast,
- (d) the unusable fuel,
- (e) the maximum amount of normal operating fluids, including oil, power plant coolant, hydraulic fluid, de-icing fluid and anti-icing fluid but not including potable water, lavatory pre-charge fluid or fluid intended for injection into the engines, and

(f) all of the installed equipment; (masse à vide)

"ESCAT plan" or "Emergency Security Control of Air Traffic Plan" - means the measures to be implemented by Her Majesty in right of Canada in accordance with the North American Aerospace Defence Command (NORAD) Agreement in the case of an air defence emergency; (plan ESCAT ou Plan relatif au contrôle de sécurité d'urgence de la circulation aérienne)

[Effective 2019/06/14 - Previous Version dated 2002/09/24][Amended 2002/09/24 - No Previous Version]

"EUBA" or "emergency underwater breathing apparatus" - means a self-contained supplemental air supply that is designed to prolong the breathing capability of a passenger or a crew member during the evacuation of a helicopter that has overturned or is sinking after a ditching; (*EUBA ou dispositif respiratoire submersible de secours*)

[Effective 2015/06/21 - No Previous Version]

"extended over-water operation" - means

(a) in the case of an aircraft other than a helicopter, a flight over an area of water located at a horizontal distance of more than 50 nautical miles from the nearest shoreline, and

(b) in the case of a helicopter, a flight over an area of water located at a horizontal distance of more than 50 nautical miles from the nearest shoreline or more than 50 nautical miles from the nearest offshore heliport structure; (*survol prolongé d'un plan d'eau*)

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 1]

"FAF" - means final approach fix; (*FAF*)

[Amended 2006/12/01 - No Previous Version]

"FDR" or "flight data recorder" - means a digital device that uses a combination of data providers to collect and record parameters that reflect the state and performance of an aircraft; (*FDR ou enregistreur de données de vol*)

[Effective 2019/05/29 - No Previous Version]

"Federal Aviation Regulations" - means the *Federal Aviation Regulations* published by the Government of the United States, as amended from time to time; (*Federal Aviation Regulations*)

"fit for duty", in respect of a person - means that their ability to act as a flight crew member

of an aircraft is not impaired by fatigue, the consumption of alcohol or drugs or any mental or physical condition; (*apte au travail*)

[Effective 2018/12/12 - No Previous Version]

"FL" or "flight level" - means the altitude expressed in hundreds of feet, indicated on an altimeter set to 29.92 inches of mercury or 1013.2 millibars; (*FL ou niveau de vol*)

"flight", in respect of a balloon in free or tethered flight -- means the period of time between the moment when the balloon, including the envelope and basket, leaves a supporting surface and the moment it next comes to rest on landing; (*vol*)

[Amended 2006/06/30 - No Previous Version]

"flight attendant" - means a crew member, other than a flight crew member, who has been assigned duties to be performed in the interest of the passengers in a passenger-carrying aircraft; (*agent de bord*)

"flight authority" - means a certificate of airworthiness, special certificate of airworthiness, flight permit or validation of a foreign document attesting to an aircraft's fitness for flight, issued under subpart 7 of Part V, or a foreign certificate of airworthiness that meets the requirements of Article 31 of the Convention; (*autorité de vol*)

"flight crew member" - means a crew member assigned to act as pilot or flight engineer of an aircraft during flight time; (*membre d'équipage de conduite*)

"flight crew member on call" - means a flight crew member who has been designated by an air operator to be available to report for flight duty on notice of one hour or less; (*membre d'équipage de conduite en disponibilité*)

"flight crew member on standby" - means a flight crew member who has been designated by an air operator or private operator to remain at a specified location in order to be available to report for flight duty on notice of one hour or less; (*membre d'équipage de conduite en attente*)

"flight deck duty time" - Repealed

[Repealed 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s.1.]

"flight duty period" - means the period that begins when the earliest of the following events occurs and ends at engines off or rotors stopped at the end of a flight:

(a) the flight crew member carries out any duties assigned by the private operator or



the air operator or delegated by the Minister before reporting for a flight,

(b) the member reports for a flight or, if there is more than one flight during the flight duty period, reports for the first flight,

(c) the member reports for positioning, and

(d) the member reports as a flight crew member on standby; (*période de service de vol*)

[Effective 2018/12/12 - No Previous Version]

"flight duty time" - Repealed

[Repealed 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 1.]

"flight following" - means the monitoring of a flight's progress, the provision of any operational information that might be requested by the pilot-in-command, and the notification of the flight training unit and search and rescue authorities if the flight is overdue or missing; (*suivi de vol*)

[Amended 2014/05/29 - No Previous Version]

"flight information services" - means

(a) the dissemination of aviation weather information and aeronautical information for departure, destination and alternate aerodromes along a proposed route of flight,

(b) the dissemination of aviation weather information and aeronautical information to aircraft in flight,

(c) the acceptance, processing and activation of flight plans and flight itineraries and amendments to and cancellations of flight plans and flight itineraries,

(d) the exchange of flight plan information with domestic or foreign governments or agencies or foreign air traffic services units, and

(e) the dissemination of information concerning known ground and air traffic; (*services d'information de vol*)

[Amended 2002/09/24 - No Previous Version]

"flight inspection" - means the operation of an aircraft for the purpose of

(a) calibrating air navigation aids,

(b) monitoring or evaluating the performance of air navigation aids, or

(c) obstacle assessment; (*inspection en vol*)

"flight itinerary" - means the information required to be filed in the form of a flight itinerary pursuant to Division III of Subpart 2 of Part VI; (*itinéraire de vol*)

"flight plan" - means the information that is required to be filed in the form of a flight plan pursuant to Division III of Subpart 2 of Part VI; (*plan de vol*)

"flight relief facility - bunk" - means a bunk that meets the requirements of Aerospace Recommended Practice ARP4101/3, Crew Rest Facilities, published by the Society of Automotive Engineers (SAE), and is configured in accordance with the requirements of Section 3.2.9 of Aerospace Recommended Practice ARP4101, Flight Deck Layout and Facilities, published by the SAE; (*poste de repos - couchette*)

[Amended 2014/05/29 - No Previous Version]

"flight relief facility - seat" - means a fully reclining seat that is separated and screened off from the passengers and flight deck, that is equipped with a call device, a restraint system designed to restrain a sleeping person and portable oxygen equipment, and that is not subject to distraction from noise generated in the cabin; (*poste de repos - siège*)

[Amended 2014/05/29 - No Previous Version]

"flight service station" - means a ground station established to provide air traffic advisory services, flight information services and emergency assistance services for the safe movement of aircraft; (*station d'information de vol*)

"flight simulation training device" - means an apparatus, including synthetic flight training equipment, that replicates or emulates an aircraft or aircraft component for the purpose of training and testing; (*dispositif de formation simulant le vol*)

[Amended 2014/05/29 - No Previous Version]

"flight time" - means the time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight; (*temps de vol*)

"flight training" - means a training program of ground instruction and airborne training that is conducted in accordance with the flight instructor guide and flight training manual applicable to the aircraft used; (*entraînement en vol*)

"flight training service" - means a commercial air service that is operated for the purpose of

conducting flight training; (*service d'entraînement en vol*)

"flight training unit" - means

(a) in the case of an aeroplane or helicopter, the holder of a flight training unit operator certificate, or

(b) in the case of a glider, balloon, gyroplane or ultra-light aeroplane, a person, club, school or other organization that conducts flight training; (*unité de formation au pilotage*)

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 1.]

"flight training unit operator certificate" - means a certificate issued under subpart 6 of Part IV that authorizes the holder of the certificate to operate a flight training service; (*certificat d'exploitation d'unité de formation au pilotage*)

"flight visibility" - means the visibility forward from the cockpit of an aircraft in flight; (*visibilité en vol*)

"flight watch" - means maintaining current information on the progress of a flight and monitoring all factors and conditions that might affect the flight; (*surveillance de vol*)

[Amended 2014/05/29 - No Previous Version]

"glider" - means a non-power-driven heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on surfaces that remain fixed during flight; (*planeur*)

"ground station" - means a location on the ground equipped with radio transmitting and receiving equipment capable of two-way voice communications with an aircraft; (*station au sol*)

"ground visibility" - in respect of an aerodrome, means the visibility at that aerodrome as contained in a weather observation reported by

(a) an air traffic control unit,

(b) a flight service station,

(c) a community aerodrome radio station,

(d) an AWOS used by the Department of Transport, the Department of National Defence or the Atmospheric Environment Service for the purpose of making aviation weather

observations, or

(e) a radio station that is ground-based and operated by an air operator; (*visibilité au sol*)

"gyroplane" - means a heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on one or more non-power-driven rotors on substantially vertical axes; (*autogire*)

"hang glider" - means a glider that is designed to carry not more than two persons and has a launch weight of 45 kg (99.2 pounds) or less; (*aile libre*)

"heading" - means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in true, magnetic or grid degrees from North; (*cap*)

"heavier-than-air aircraft" - means an aircraft supported in the atmosphere by lift derived from aerodynamic forces; (*aérodynes*)

"helicopter" - means a power-driven heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on one or more power-driven rotors on substantially vertical axes; (*hélicoptère*)

"helicopter Class A external load" - means an external load that cannot move freely, cannot be jettisoned and does not extend below the landing gear; (*charge externe de classe A pour hélicoptère*)

"helicopter Class B external load" - means an external load that can be jettisoned and that is not in contact with land, water or any other surface; (*charge externe de classe B pour hélicoptère*)

"helicopter Class C external load" - means an external load that can be jettisoned and that remains in contact with land, water or any other surface; (*charge externe de classe C pour hélicoptère*)

"helicopter Class D external load" - means an external load with a person carried externally or any external load, other than a Class A, B or C external load; (*charge externe de classe D pour hélicoptère*)

"heliport" - means an aerodrome in respect of which a heliport certificate issued under subpart 5 of Part III is in force; (*héliport*)

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

"high level airspace" - means airspace at or above 18,000 feet ASL that is within Canadian Domestic Airspace; (*espace aérien supérieur*)

"high seas" - means any body of water, or frozen surface thereof, that is not within the territorial waters of any state; (*haute mer*)

"home base" - means the location where a flight crew member normally commutes to in order to report for a flight duty period or positioning; (*base d'affectation*)

[Effective 2018/12/12 - No Previous Version]

"HUD" - means head-up display; (*HUD*)

[Amended 2006/12/01 - No Previous Version]

"ice" - means water that has frozen on a surface and includes the condition commonly known as black ice and the condition in which compacted snow has turned into a polished ice surface; (*glace*)

[Effective 2020/05/15 - No Previous Version]

[SOR/2019-118, s. 1.]

"IFR" - means instrument flight rules; (*IFR*)

"IFR air traffic control message" - means a message that contains an air traffic control clearance or instruction, a position report or procedure related to the conduct of an IFR flight; (*message IFR du contrôle de la circulation aérienne*)

"IFR aircraft" - means an aircraft operating in IFR flight; (*aéronef IFR*)

"IFR flight" - means a flight conducted in accordance with the instrument flight rules; (*vol IFR*)

"IMC" or "instrument meteorological conditions" - means meteorological conditions less than the minima specified in Division VI of Subpart 2 of Part VI for visual meteorological conditions, expressed in terms of visibility and distance from cloud; (*IMC ou conditions météorologiques de vol aux instruments*)

"infant" - means a person under two years of age; (*enfant en bas âge*)

"instrument approach" - means the orderly positioning of an IFR aircraft from the enroute phase to a position and altitude from which a landing may be completed or a missed approach procedure may be initiated; (*approche aux instruments*)

"instrument approach procedure" - means, in respect of an aircraft on an instrument

approach to a runway or aerodrome, a procedure for an instrument approach determined by the pilot-in-command of the aircraft on the basis of the information specified in the *Canada Air Pilot* for an instrument approach to that runway or aerodrome or, if no such information is specified in the *Canada Air Pilot*, the information specified in the Restricted *Canada Air Pilot* for an aircraft operated under Subpart 6 of Part IV, Subpart 4 of Part VI, or Part VII; (*procédure d'approche aux instruments*)

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

"instrument time" - means

- (a) instrument ground time,
- (b) actual instrument flight time, or
- (c) simulated instrument flight time; (*temps aux instruments*)

[Amended 2014/05/29 - No Previous Version]

"invited assembly of persons" - means any number of persons who have been invited, by any means, to attend a special aviation event. The term excludes competition judges, the holder of a special flight operations certificate, members of a certificate holder's staff and members of a participant's support team; (*rassemblement de personnes invitées*)

[Amended 2006/06/30 - No Previous Version]

"land aircraft" - means an aircraft that is not capable of normal operations on water; (*aéronef terrestre*)

"landing" - means

- (a) in respect of an aircraft other than an airship, the act of coming into contact with a supporting surface, and includes the acts immediately preceding and following the coming into contact with that surface, and
- (b) in respect of an airship, the act of bringing the airship under restraint, and includes the acts immediately preceding and following the bringing of the airship under restraint; (*atterrissage*)

"large aeroplane" - means an aeroplane with an MCTOW of more than 5 700 kg (12,566 pounds); (*gros avion*)

"launch weight" - means the total weight of a hang glider or an ultra-light aeroplane when it is ready for flight, including any equipment, instruments, fuel or oil, but not including

(a) the weight of the occupants,

(b) the weight of any float equipment to a maximum of 34 kg (74.93 pounds), or

(c) the weight of any ballistic parachute installation; (*poids au départ*)

"LDA" or "landing distance available" - means the length of a runway at an aerodrome that the aerodrome operator declares available and suitable for the ground run of an aeroplane that is landing; (*LDA ou distance d'atterrissage utilisable*)

"life-limited part" - means a part that, as a condition of the type certificate, may not exceed a specified time, or number of operating cycles, in service; (*pièce à vie limitée*)

"light turbulence" - means turbulence that momentarily causes slight, erratic changes in altitude or attitude or turbulence that causes slight, rapid and somewhat rhythmic bumpiness without appreciable changes in altitude or attitude; (*turbulence légère*)

"lighter-than-air aircraft" - means an aircraft supported in the atmosphere by its buoyancy; (*aérostat*)

"limited supplemental type certificate" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01- Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 1.]

"low level airspace" - means airspace below 18,000 feet ASL that is within Canadian Domestic Airspace; (*espace aérien inférieur*)

"low-visibility procedures" - means procedures specified for an airport in the Canada Air Pilot that restrict aircraft and vehicle operations on the movement area of the airport when the runway visual range is less than 1,200 feet; (*procédures par faible visibilité*)

[Amended 2006/12/01 - No Previous Version]

"maintenance" - means the overhaul, repair, required inspection or modification of an aeronautical product, or the removal of a component from or its installation on an aeronautical product, but does not include

(a) elementary work,

(b) servicing; or

(c) work performed on an aircraft by the manufacturer prior to the issuance of whichever of the following documents is issued first:

- (i) a certificate of airworthiness,
- (ii) a special certificate of airworthiness, or
- (iii) an export airworthiness certificate; (*maintenance*)

[Effective 2015/08/30 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - Previous Version Dated 2003/06/01][Amended 2003/06/01 - Previous Version Dated 1996/10/10]

"maintenance release" - means a certification made following the maintenance of an aeronautical product, indicating that the maintenance was performed in accordance with the applicable provisions of these Regulations and the standards of airworthiness; (*certification après maintenance*)

"maintenance schedule" - means a schedule required pursuant to Section 605.86 for the performance of the inspections and other maintenance required by these Regulations; (*calendrier de maintenance*)

"major modification" - means an alteration to the type design of an aeronautical product in respect of which a type certificate has been issued that has other than a negligible effect on the weight and centre-of-gravity limits, structural strength, performance, power plant operation, flight characteristics or other qualities affecting its airworthiness or environmental characteristics; (*modification majeure*)

"major repair" - means a repair to an aeronautical product in respect of which a type certificate has been issued, that causes the aeronautical product to deviate from the type design defined by the type certificate, where the deviation from the type design has other than a negligible effect on the weight and centre-of-gravity limits, structural strength, performance, power plant operation, flight characteristics or other qualities affecting the aeronautical product's airworthiness or environmental characteristics; (*réparation majeure*)

"mandatory frequency" - means a VHF frequency specified in the *Canada Air Pilot* or the *Canada Flight Supplement* for the use of radio-equipped aircraft operating within an MF area; (*fréquence obligatoire*)

"manoeuvring area" - means that part of an aerodrome, other than an apron, that is intended to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing; (*aire de manoeuvre*)

"Manual of All Weather Operations (Categories II and III)" - means the manual that contains information in respect of the operation of aircraft in various weather conditions and that is published under the authority of the Minister; (*Manuel d'exploitation tous temps*;



(catégories II et III))

"manufacture" - means the making, assembly and fabrication, other than the fabrication of parts as part of a repair, of aeronautical products, and includes, in the case of newly manufactured aircraft, any work performed on an aircraft prior to the issuance of the first certificate of airworthiness or export certificate of airworthiness by the manufacturer; (*construction*)

"manufacturer" - means the holder of a type certificate for an aeronautical product or, where no type certificate has been issued by the Minister, the maker of the aeronautical product; (*constructeur*)

"manufacturer certificate" - means a certificate issued under Subpart 61 of Part V; (*certificat de constructeur*)

[Amended 2007/12/01 - Previous Version Dated 1996/10/10]

"maximum permissible take-off weight" - means the maximum take-off weight for an aircraft as authorized by the state of registry of the aircraft or as provided for in the aircraft type certificate; (*masse maximale admissible au décollage*)

"MCTOW" or "maximum certificated take-off weight" - means the weight identified as such in the type certificate of an aircraft; (*MMHD ou masse maximale homologuée au décollage*)

"medical evacuation flight" - means a flight that is carried out for the purpose of facilitating medical assistance and on which one or more of the following persons or things is transported:

- (a) medical personnel,
- (b) ill or injured persons,
- (c) human blood products or organs,
- (d) medical supplies; (*vol d'évacuation médicale*)

[Effective 2018/12/12 - No Previous Version]

"MEL" or "minimum equipment list" - means a document approved by the Minister pursuant to subsection 605.07(3) that authorizes an operator to operate an aircraft with aircraft equipment that is inoperative under the conditions specified therein, and may specify certain equipment that must be operative; (*MEL ou liste d'équipement minimal*)

"MF area" - means an area of specific dimensions that consists of the surface area and

airspace in the vicinity of an uncontrolled aerodrome and

(a) to which a mandatory frequency has been assigned,

(b) in respect of which the reporting procedures specified in Division V of Subpart 2 of Part VI are applicable, and

(c) that is identified as an MF area in the *Canada Air Pilot* or the *Canada Flight Supplement*; (*zone MF*)

"minimum descent altitude" - means the altitude ASL, specified in the *Canada Air Pilot* or the *Restricted Canada Air Pilot* for a non-precision approach, below which descent is not to be made until the required visual reference necessary to continue the approach to land has been established; (*altitude minimale de descente*)

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

"minimum enroute altitude" - Repealed

[Repealed 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 1.]

"minimum rest period" - means a period during which a flight crew member is free from all duties, is not interrupted by the air operator or private operator, and is provided with an opportunity to obtain not less than eight consecutive hours of sleep in suitable accommodation, time to travel to and from that accommodation and time for personal hygiene and meals; (*période de repos minimale*)

"Minister" - means the Minister of Transport; (*ministre*)

"missed approach procedure" - means the procedure to be followed if, for any reason after conducting an instrument approach, a landing is not effected; (*procédure d'approche interrompue*)

"MMEL" or "master minimum equipment list" - means a document established by the Minister pursuant to subsection 605.07(1) that lists the aircraft equipment that is allowed to be inoperative for a particular type of aircraft under the conditions specified therein; (*MMEL ou liste principale d'équipement minimal*)

"MOCA" or "minimum obstruction clearance altitude" - means the altitude ASL that is specified on an IFR chart between fixes on an airway, on a fixed RNAV route or on an air route and that meets the IFR obstruction clearance requirements; (*MOCA ou altitude minimale de franchissement d'obstacles*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"model aircraft" - Repealed

[Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 1.]

"model rocket" means a rocket that

(a) is equipped with model rocket motors that will not generate a total impulse exceeding 160 N.s,

(b) has a gross weight, including motors, not exceeding 1 500 g (3.3 pounds), and

(c) is equipped with a parachute or other device capable of retarding its descent;  
(*modèle réduit de fusée*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"Mode S transponder" means the airborne Mode S air traffic control (ATC) transponder referred to in CAN-TSO-C112; (*transpondeur mode S*)

[Amended 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - No Previous Version]

"movement area" - means a part of an aerodrome that is intended to be used for the surface movement of aircraft, and includes the manoeuvring area and aprons; (*aire de mouvement*)

"night" - means the time between the end of evening civil twilight and the beginning of morning civil twilight; (*nuit*)

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

"non-piloted aircraft" - Repealed

[Repealed 2003/12/01 - Previous Version Dated 1996/10/10]

[SOR/2003-271, s. 1.]

"non-precision approach" - means an instrument approach by an aircraft using azimuth information; (*approche de non-précision*)

"Northern Domestic Airspace" - means the airspace so specified, and delineated, in the *Designated Airspace Handbook*; (*espace aérien intérieur du Nord*)

"NOTAM" - means a notice to airmen concerning the establishment or condition of, or change in, any aeronautical facility, service or procedure, or any hazard affecting aviation safety, the knowledge of which is essential to personnel engaged in flight operations;

(NOTAM)

"obstacle limitation surface" - means a surface that establishes the limit to which objects may project into an aerodrome's airspace, so that aircraft operations for which the aerodrome is intended may be conducted safely, and consists of a transitional surface, a take-off surface, an approach surface and an outer surface; (*surface de limitation d'obstacles*)

[Amended 2011/12/31 - No Previous Version]

"offshore operations flight" - means a flight that is conducted to or from an offshore location and that is

(a) a flight in support of offshore oil, gas or mineral exploitation,

(b) a sea-pilot transfer flight, or

(c) a search and rescue flight; (*vol d'exploitation extracôtière*)

[Effective 2015/06/21 - No Previous Version]

"one-engine-inoperative take-off distance" - means the distance from the start of the take-off roll to the point at which the aeroplane reaches 35 feet above the runway elevation, where failure of the critical engine is recognized at  $V_1$ ; (*distance de décollage avec un moteur inopérant*)

"one-engine-inoperative take-off run" - means the distance from the start of the take-off roll to the point midway between the lift-off point and the point at which the aeroplane reaches 35 feet above the runway elevation, where failure of the critical engine is recognized at  $V_1$ ; (*roulement au décollage avec un moteur inopérant*)

"operator" -- in respect of an aircraft - means the person that has possession of the aircraft as owner, lessee or otherwise; (*utilisateur*)

"operator" -- in respect of an airport or heliport - means the holder of the appropriate Canadian aviation document that is in force with respect to the airport or heliport or the person in charge of the airport or heliport, whether as employee, agent or representative of the holder of the Canadian aviation document; (*exploitant*)

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

"ornithopter" - means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted; (*ornithoptère*)

[Amended 2000/12/01 - No Previous Version]

"overhaul" - means a restoration process that includes the disassembly, inspection, repair or replacement of parts, reassembly, adjustment, refinishing and testing of an aeronautical product, and ensures that the aeronautical product is in complete conformity with the service tolerances specified in the applicable instructions for continued airworthiness; (*révision majeure*)

"owner" - in respect of an aircraft or remotely piloted aircraft system, means the person who has legal custody and control of the aircraft or system; (*propriétaire*)

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

"part design approval" - means a document issued by the Minister to record the approval of the design of a replacement part, identified by a part number or by some other means of identification unique to the part, for use on an aeronautical product that is identified by type or model; (*approbation de la conception de pièce*)

[Amended 2009/12/01 - No Previous Version]

"passenger" - means a person, other than a crew member, who is carried on board an aircraft; (*passager*)

"PED" or "portable electronic device" - means any lightweight, electrically powered electronic device capable of transmitting or producing electromagnetic signals; (*PED ou appareil électronique portatif*)

[Effective 2019/08/08 - No Previous Version]

"permanent resident" - means a permanent resident as defined in subsection 2(1) of the *Immigration Act*; (*résident permanent*)

"personal flotation device" - Repealed

[Repealed 2021/06/06 - Previous Version Dated 1996/10/10]

"pilot self-dispatch" - means the responsibility of the pilot-incommand for all decisions respecting the operational flight plan and for the flight watch; (*régulation du vol par le pilote*)

[Amended 2014/05/29 - No Previous Version]

"positioning" - means the transfer of a flight crew member from one location to another, at the request of an air operator, but does not include travel to or from suitable accommodation or the member's lodging; (*mise en place*)

[Effective 2018/12/12 - No Previous Version]

"powered glider" - means an aeroplane that, with engines inoperative, has the flight

characteristics of a glider; (*planeur propulsé*)

"powered parachute aircraft" - means a power-driven heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on surfaces of a flexible parachute-type aerofoil; (*aéronef pour parachute entraîné par moteur*)

[Amended 2003/12/01 - No Previous Version]

"precision approach" - means an instrument approach by an aircraft using azimuth and glide path information; (*approche de précision*)

"primary structure" - means a structure that carries flight, ground or pressure loads; (*structure primaire*)

"private aircraft" - means an aircraft that is registered as a private aircraft pursuant to Sections 202.16 and 202.17; (*aéronef privé*)

"private operator" - means the holder of a private operator registration document; (*exploitant privé*)

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

"private operator certificate" - Repealed

[Repealed 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 1.]

"private operator registration document" - means a document issued under subsection 604.04(2); (*document d'enregistrement d'exploitant privé*)

[Amended 2014/05/29 - No Previous Version]

"protective breathing equipment" - means equipment designed to cover the eyes, nose and mouth of the wearer, or the nose and mouth where accessory equipment is provided to protect the eyes, and to protect the wearer from the effects of smoke, carbon dioxide or other harmful gases; (*inhalateur protecteur*)

"quick-donning mask" - means an oxygen mask that can be secured by a person using one hand on the person's face within five seconds, and that provides an immediate supply of oxygen; (*masque à mise rapide*)

"registered aerodrome" - means an aerodrome registered by the Minister pursuant to Subpart 1 of Part III; (*aérodrome enregistré*)

"remotely piloted aircraft" - means a navigable aircraft, other than a balloon, rocket or kite,

that is operated by a pilot who is not on board; (*aéronef télépiloté*)

[Effective 2019/01/09 - No Previous Version]

"remotely piloted aircraft system" or "RPAS" - means a set of configurable elements consisting of a remotely piloted aircraft, its control station, the command and control links and any other system elements required during flight operation; (*système d'aéronef télépiloté ou SATP*)

[Effective 2019/01/09 - No Previous Version]

"repair" - means the rectification of deficiencies in an aeronautical product or the restoration of an aeronautical product to an airworthy condition; (*réparation*)

"repair design approval" - means a document, including a repair design certificate issued before December 1, 2009 under Section 513.11 or 513.22, issued by the Minister to record the approval of

(a) a repair design in respect of a repair to an aeronautical product identified in the document by a serial number, or

(b) a repair process in respect of a repair to an aeronautical product or any of its components, identified in the document by a serial number, by a part number or by some other identification unique to the component; (*approbation de la conception de réparation*)

[Amended 2009/12/01 - No Previous Version]

"repair design certificate" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 1.]

"reportable service difficulty" - means a service difficulty that affects or that, if not corrected, is likely to affect the safety of an aircraft, its occupants or any other person; (*difficulté en service à signaler*)

[Amended 2009/12/01 - No Previous Version]

"required inspection" - means an inspection of an aeronautical product that is required by a maintenance schedule, an airworthiness limitation or an airworthiness directive, except where the airworthiness directive specifies that the inspection may be performed by a flight crew member; (*inspection obligatoire*)

"required take-off distance" - means the one-engine-inoperative take-off distance or 115 per cent of the all-engines-operating take-off distance, whichever is greater; (*distance de*

*décollage exigée*)

"required take-off run" - means the one-engine-inoperative take-off run or 115 per cent of the all-engines-operating take-off run, whichever is greater; (*roulement au décollage exigé*)

"required visual reference" - in respect of an aircraft on an approach to a runway, means that portion of the approach area of the runway or those visual aids that, when viewed by the pilot of the aircraft, enable the pilot to make an assessment of the aircraft position and rate of change of position, in order to continue the approach and complete a landing; (*référence visuelle requise*)

"rest period" - means the continuous period during which a flight crew member is off duty, excluding the travel time to or from suitable accommodation provided by a private operator or air operator; (*période de repos*)

[Effective 2018/12/12 - No Previous Version]

"restricted airspace" - means airspace of fixed dimensions that is so specified in the Designated Airspace Handbook and within which the flight of aircraft is restricted in accordance with certain conditions specified in that Handbook; (*espace aérien réglementé*)

"Restricted Canada Air Pilot" - means an aeronautical information publication published by NAV CANADA that contains information on restricted instrument procedures; (*Canada Air Pilot restreint*)

[Amended 2014/05/29 - No Previous Version]

"rocket" - means a projectile that contains its own propellant and that depends for its flight on a reaction set up by the release of a continuous jet of rapidly expanding gases; (*fusée*)

"runway visibility" - means the distance along a runway over which a person can see and recognize a visibility marker or lights having an intensity of more or less 1,000 candelas; (*visibilité sur la piste*)

[Amended 2006/12/01 - No Previous Version]

"RVR" or "runway visual range" - means the range over which the pilot of an aircraft on the centre line of a runway can expect to see the runway surface markings or the lights delineating the runway or identifying that centre line; (*RVR ou portée visuelle de piste*)

"RVR A" - in respect of a runway, means RVR detection equipment that is located adjacent to the runway threshold; (*RVR « A »*)

"RVR B" - in respect of a runway, means RVR detection equipment that is located adjacent



to the runway mid-point; (*RVR « B »*)

"RVSM airspace" or "Reduced Vertical Separation Minimum airspace" - means airspace where a vertical separation minimum of 1,000 feet applies, whose horizontal and vertical limits are

(a) in respect of Canadian airspace, specified in the Designated Airspace Handbook, and

(b) in respect of foreign airspace, designated or otherwise recognized by the competent aviation authority of the foreign country; (*espace aérien RVSM ou espace aérien à espacement minimum vertical réduit*)

[Amended 2007/07/01 - No Previous Version]

"safety belt" - means a personal restraint system consisting of either a lap strap or a lap strap combined with a shoulder harness; (*ceinture de sécurité*)

"safety management system" - means a documented process for managing risks that integrates operations and technical systems with the management of financial and human resources to ensure aviation safety or the safety of the public; (*système de gestion de la sécurité*)

[Amended 2005/05/31 - No Previous Version]

"safety pilot" - means a pilot who acts as a lookout for another pilot operating an aircraft in simulated instrument flight; (*pilote de sécurité*)

[Amended 2002/09/24 - Previous Version Dated 1996/10/10]

"SCATANA plan" or "Security Control of Air Traffic and Navigation Aids Plan" - Repealed

[Amended 2002/09/24 - Previous Version Dated 1996/10/10]

[SOR/2002-352, s. 1.]

"SCDA non-precision approach" - means stabilized constant-descent-angle non-precision approach; (*approche de non-précision SCDA*)

[Amended 2006/12/01 - No Previous Version]

"scheduled maintenance" - means any maintenance performed at predetermined intervals pursuant to these Regulations, a maintenance schedule or an airworthiness directive; (*maintenance planifiée*)

"Seaplane" - means an aeroplane that is capable of normal operations on water; (*hydravion*)

[Effective 2021/06/06 - No Previous Version]

"serviceable" - in respect of an aircraft or aircraft part, means fit and safe for flight; (*en état*)

*de service)*

"service difficulty" - means a failure or malfunction of, or defect in, an aeronautical product; (*difficulté en service*)

[Amended 2009/12/01 - No Previous Version]

"servicing" - in respect of an aeronautical product, means cleaning, lubricating and the replenishment of fluids not requiring the disassembly of the product; (*entretien courant*)

"shoulder harness" - means any device that is used to restrain the upper torso of a person and that consists of a single diagonal upper torso strap or dual upper torso straps; (*ceinture-baudrier*)

"sightseeing operation" - means aerial work in the course of which passengers are disembarked at the point of departure; (*excursion aérienne*)

"small aircraft" - means an aeroplane having a maximum permissible take-off weight of 5 700 kg (12,566 pounds) or less, or a helicopter having a maximum permissible take-off weight of 2 730 kg (6,018 pounds) or less; (*petit aéronef*)

"small remotely piloted aircraft" - means a remotely piloted aircraft that has a maximum take-off weight of at least 250 g (0.55 pounds) but not more than 25 kg (55 pounds); (*petit aéronef télépiloté*)

[Effective 2019/01/09 - No Previous Version]

"Southern Domestic Airspace" - means that airspace so specified, and delineated, in the Designated Airspace Handbook; (*espace aérien intérieur du Sud*)

"special aviation event" - means an air show, a low level air race, an aerobatic competition, a fly-in or a balloon festival; (*manifestation aéronautique spéciale*)

"special VFR flight" - means a VFR flight authorized by an air traffic control unit that is conducted within a control zone under VMC in accordance with Division VI of Subpart 2 of Part VI; (*vol VFR spécial*)

"specialty air services" - means aerial mapping, aerial surveying, aerial photography, forest fire management, fire fighting, aerial advertising, glider towing, parachute jumping, aerial construction, heli-logging, aerial sightseeing, flight training, aerial inspection and surveillance and aerial spraying services; (*services aériens spécialisés*)

"Standard 621" - means the *Obstruction Marking and Lighting Standard of the General Operating and Flight Rules Standards*, published by the Department of Transport; (*norme*)

621)

[Amended 2011/12/31 - No Previous Version]

"standard of airworthiness" - in respect of the design, manufacture or maintenance of an aeronautical product, means the description, in terms of a minimum standard, of the properties and attributes of the configuration, material and performance or physical characteristics of that aeronautical product, and includes the procedures to ascertain compliance with or to maintain that minimum standard, as specified in Part V; (*norme de navigabilité*)

"standard part", in respect of an aircraft - means a part manufactured in conformity with a specification that

(a) is established, published and maintained by an organization setting consensus standards or by a government agency, and

(b) includes design, manufacturing, test and acceptance criteria and identification requirements; (*pièce standard*)

[Amended 2002/03/01 - No Previous Version]

"standard pressure region" - means all of the Canadian Domestic Airspace not within the altimeter setting region; (*région d'utilisation de la pression standard*)

"station" - means a facility used for providing aeronautical information or services; (*station*)

"stopway" - means a rectangular area on the ground at the end of a runway in the direction of take-off and having the same width as the runway, prepared as a suitable area for stopping an aeroplane in the case of a rejected take-off; (*prolongement d'arrêt*)

"suitable accommodation" - means a single-occupancy bedroom that is subject to a minimal level of noise, is well ventilated and has facilities to control the levels of temperature and light or, where such a bedroom is not available, an accommodation that is suitable for the site and season, is subject to a minimal level of noise and provides adequate comfort and protection from the elements; (*local approprié*)

"supplemental type certificate" - means a document, including a limited supplemental type approval and a supplemental type approval issued before October 10, 1996 under Section 214 of the *Air Regulations* and a limited supplemental type certificate issued before December 1, 2009 under Section 513.11 or 513.22, issued by the Minister to record the approval of a change to the type design of

- (a) an aeronautical product identified in the document by a single serial number,
- (b) several aeronautical products of the same type or model, approved under a single type certificate and identified in the document by their serial numbers, or
- (c) several aeronautical products of differing types or models, approved under separate type certificates and identified in the document; (*certificat de type supplémentaire*)

[Amended 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - Previous Version Dated 1996/10/10]

"surface" - means any ground or water, including the frozen surface thereof; (*surface*)

"take-off" -- means

(a) in respect of an aircraft other than an airship, the act of leaving a supporting , and includes the take-off run and the acts immediately preceding and following the leaving of that surface, and

(b) in respect of an airship, the act of freeing the airship from restraint, and includes the acts immediately preceding and following the freeing of that airship from restraint; (*décollage*)

"TAWS" or "Terrain Awareness Warning System" means an aircraft system that is intended to provide a flight crew with both aural and visual alerts to aid in preventing controlled flight into terrain, obstacles or water; (*TAWS ou système d'avertissement et d'alarme d'impact*)

[Amended 2012/07/04 - No Previous Version]

"terminal control area" - means controlled airspace that is established in the vicinity of a major aerodrome and within which an air traffic control service is provided based on the airspace classification; (*région de contrôle terminal*)

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

"tethered flight", in respect of a balloon - means flight while the balloon is attached to a supporting surface by a restraining device; (*vol captif*)

[Amended 2006/06/30 - No Previous Version]

"TODA" or "take-off distance available" - means the total of the take-off run available and, where a clearway is provided, the length of clearway declared available by the operator of the aerodrome; (*TODA ou distance de décollage utilisable*)

"TORA" or "take-off run available" - means the length of a runway declared available and

suitable by the operator of the aerodrome for the ground run of an aeroplane during take-off; (*TORA ou distance de roulement utilisable au décollage*)

"track" - means the projection on the earth's surface of the path of an aircraft, the direction of which path at any point is usually expressed in true, magnetic or grid degrees from North; (*route*)

"transponder airspace" - means controlled airspace consisting of the airspace referred to in Section 601.03, within which the aircraft equipment requirements prescribed in Section 605.35 apply; (*espace aérien à utilisation de transpondeur*)

[Amended 2006/06/30 - No Previous Version]

"transport category aircraft" - means an aeroplane certified pursuant to Chapter 525 of the Airworthiness Manual or an equivalent foreign airworthiness standard, or a helicopter certified pursuant to Chapter 529 of the Airworthiness Manual or an equivalent foreign airworthiness standard; (*aéronef de catégorie transport*)

"true mach number" - means the ratio of the true air speed of an aircraft to the local speed of sound at the flight altitude; (*nombre de Mach vrai*)

"TSO-C112" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - No Previous Version]

[SOR/2009-280, s. 1.]

"TSO-C118" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - No Previous Version]

[SOR/2009-280, s. 1.]

"TSO-C119a" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - No Previous Version]

[SOR/2009-280, s. 1.]

"TSO-C119b" - Repealed

[Repealed 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - No Previous Version]

[SOR/2009-280, s. 1.]

"type" -- means

(a) when used in reference to personnel licensing, a specific make and model of aircraft, including modifications thereto that do not change its handling or flight characteristics, and

(b) when used in reference to the certification of aircraft, a classification of aircraft having similar design characteristics; (*type*)

"type certificate" - means

(a) a document, including a type approval issued before October 10, 1996 under Section 214 of the Air Regulations, issued by the Minister to certify that the type design of an aircraft, aircraft engine or propeller identified in the document meets the applicable standards for that aeronautical product recorded in the type certificate data sheets, or

(b) a document issued by the foreign airworthiness authority having jurisdiction over the type design of an aeronautical product that is equivalent to a document referred to in paragraph (a) and that has been accepted by the Minister for the purpose of issuing a certificate of airworthiness; (*certificat de type*)

[Amended 2009/12/01- Previous Version Dated 1998/12/01][Amended 1998/12/01 - Previous Version Dated 1996/10/10]

"type design" - means

(a) the drawings and specifications, and a listing of those drawings and specifications that are necessary to define the design features of an aeronautical product in compliance with the standards applicable to the aeronautical product,

(b) the information on dimensions, materials and manufacturing processes that is necessary to define the structural strength of an aeronautical product,

(c) the approved Sections of the aircraft flight manual, where required by the applicable standards of airworthiness,

(d) the airworthiness limitations section of the instructions for continued airworthiness specified in the applicable chapters of the *Airworthiness Manual*; and

(e) any other data necessary to allow, by comparison, the determination of the airworthiness and, where applicable, the environmental characteristics of later aeronautical products of the same type or model; (*définition de type*)

"UHF" - means ultra-high frequency; (*UHF*)

"ultra-light aeroplane" - means an advanced ultra-light aeroplane or a basic ultra-light aeroplane; (*avion ultra-léger*)

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

"unforeseen operational circumstance" - means an event, such as unforecast adverse

weather, or an equipment malfunction or air traffic control delay, that is beyond the control of an air operator or private operator; (*circonstance opérationnelle imprévue*)

"unmanned air vehicle" - Repealed

[Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 2003/12/01][Amended 2003/12/01 - No Previous Version]

[SOR/2019-11, s. 1.]

"UTC" - means Coordinated Universal Time; (*UTC*)

"vessel" - means any ship, boat or other floating structure, other than an aircraft, used for navigation on water; (*navire*)

"VFR" - means visual flight rules; (*VFR*)

"VFR aircraft" - means an aircraft operating in VFR flight; (*aéronef VFR*)

"VFR flight" - means a flight conducted in accordance with the visual flight rules; (*vol VFR*)

"VFR OTT" - means VFR over-the-top; (*VFR OTT*)

"VHF" - means very high frequency; (*VHF*)

"visibility marker" - means a dark object of suitable dimensions for use as a reference in evaluating runway visibility; (*balise de visibilité*)

[Amended 2006/12/01 - No Previous Version]

"visibility report" - means a report that may include runway visibility, ground visibility and RVR; (*compte rendu de la visibilité*)

[Amended 2006/12/01 - No Previous Version]

"VMC" or "visual meteorological conditions" - means meteorological conditions equal to or greater than the minima specified in Division VI of Subpart 2 of Part VI, expressed in terms of visibility and distance from cloud. (*VMC ou conditions météorologiques de vol à vue*)

**(2)** Unless otherwise indicated in these Regulations, any reference to a classification, standard, procedure or other specification that is incorporated by reference is a reference to that classification, standard, procedure or specification as amended from time to time.

[SOR/98-526, s. 1; SOR/2000-405, s. 1; SOR/2002-112, s. 1; SOR/2002-345, s. 1; SOR/2002-352, s. 1; SOR/2003-123, s. 1; SOR/2003-129, s. 1; SOR/2003-154, s. 1; SOR/2003-271, s. 1; SOR/2005-173, s. 1; SOR/2005-348, s. 1; SOR/2006-77, s. 1; SOR/2006-199, s. 1; SOR/2007-87, s. 1; SOR/2007-133, s. 1; SOR/2007-136, s. 1; SOR/2007-290, s. 1; SOR/2009-280, ss. 1, 39; SOR/2011-285, s. 1; SOR/2012-136, s. 1; SOR/2014-131, s. 1; SOR/2015-84, s. 1; SOR/2015-127, s. 1; SOR/2015-160, s. 1; SOR/2018-143-1, s. 1; SOR/2018-269, s. 1; SOR/2019-11, s. 1; SOR/2019-49, s.1; SOR/2019-118, s. 1; SOR/2019-119, s. 1; SOR/2019-130, s. 1; SOR/2019-296, s. 1; SOR/2020-150, s. 1; SOR/2020-151, s. 1; SOR/2020-253, s. 1[F].]

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## Subpart 2 - Application

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### 102.01 Application

These Regulations do not apply in respect of

- (a) military aircraft of Her Majesty in right of Canada when they are being manoeuvred under the authority of the Minister of National Defence;
- (b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has exempted them from the application of these Regulations pursuant to subsection 5.9(2) of the *Act*;
- (b.1) remotely piloted aircraft that are operated indoors or underground; or
- (c) rockets, hovercraft or wing-in-ground-effect machines, unless otherwise indicated in these Regulations.

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 2; SOR/2019-11, s. 3.]

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## Subpart 3 - Administration and Compliance

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### Division I - Repealed

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[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 2]

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### Division II - Compliance

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#### 103.02 Inspection of Aircraft, Requests for Production of Documents and Prohibitions

(1) The owner or operator of an aircraft shall, on reasonable notice given by the Minister, make the aircraft available for inspection in accordance with the notice.



**(2)** Every person who

(a) is the holder of a Canadian aviation document,

(b) is the owner, operator or pilot-in-command of an aircraft in respect of which a Canadian aviation document, technical record or other document is kept, or

(c) has in possession a Canadian aviation document, technical record or other document relating to an aircraft or a commercial air service

shall produce the Canadian aviation document, technical record or other document for inspection in accordance with the terms of a demand made by a peace officer, an immigration officer or the Minister.

**(3)** No person shall

(a) lend a Canadian aviation document to any person who is not entitled to it by these Regulations, or allow any such person to use a Canadian aviation document; or

(b) mutilate, alter or render illegible a Canadian aviation document.

**(4)** For the purposes of this Section, "other document" includes all writings, papers and other records made, held or maintained by the owner, operator or pilot-in-command of an aircraft for the purpose of recording any action, activity, performance or use of the aircraft or any activity of the owner, operator or crew members in respect of that aircraft, whether or not the documents are required by law to be made, held or maintained.

### **103.03 Return of Canadian Aviation Documents**

Where a Canadian aviation document has been suspended or cancelled, the person to whom it was issued shall return it to the Minister immediately after the effective date of the suspension or cancellation.

### **103.04 Record Keeping**

Recording systems, including computer records and microfiche, that do not comprise entries on paper may be used to comply with the record-keeping requirements of these Regulations if

(a) measures are taken to ensure that the records contained in the recording systems are protected, by electronic or other means, against inadvertent loss or destruction and against tampering; and

(b) a copy of the records contained in the recording systems can be printed on paper and provided to the Minister on reasonable notice given by the Minister.

### **103.05 Reserved**

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## **Division III - Canadian Aviation Documents**

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### **103.06 Notices of Refusal to Issue, Amend or Renew and Notices of Suspension or Cancellation**

[SOR/2004-131, s. 1]

**(1)** A notice issued by the Minister pursuant to subsections 6.9(1) and (2) of the *Act* shall include

(a) a description of the particulars of the alleged contravention;

(b) where the Minister has decided to suspend the Canadian aviation document, a statement of the duration of the suspension; and

(c) a statement that a request for review by the Tribunal does not operate as a stay of the suspension or cancellation but that an application may be made in writing to the Tribunal, pursuant to subsection 6.9(4) of the *Act*, to stay the suspension or cancellation until the review of the decision of the Minister has been concluded.

**(2)** A notice issued by the Minister pursuant to subsections 7(1) and (2) of the *Act* shall include

(a) a statement of the effective date of the suspension;

(b) a statement of the conditions under which the suspension is terminated; and

(c) a statement that a request for review by the Tribunal does not operate as a stay of the suspension.

**(3)** A notice issued by the Minister pursuant to subsections 7.1(1) and (2) of the *Act* shall include

(a) where the Minister has decided to suspend or cancel a Canadian aviation document, a statement of the effective date of the suspension or cancellation;

(b) where the Minister has decided to suspend the Canadian aviation document, a

statement of the duration of the suspension or the conditions under which the suspension is terminated; and

(c) a statement that a request for review by the Tribunal does not operate as a stay of the suspension, cancellation or refusal to renew.

**(4)** A notice issued by the Minister under subsection 6.71(2) of the *Act* informing an applicant or an owner or operator of an aircraft, aerodrome, airport or other facility of the Minister's decision made under subsection 6.71(1) of the *Act* to refuse to issue or amend a Canadian aviation document in respect of the aircraft, aerodrome, airport or other facility shall be in the form set out in Schedule I to this Subpart.

[Amended 2004/05/11 - Previous Version Dated 1996/10/10]

[SOR/2004-131, s. 2.]

### **103.07 Administrative Grounds for Suspension, Cancellation or Refusal to Renew**

In addition to the grounds referred to in Sections 6.9 to 7.1 of the *Act*, the Minister may suspend, cancel or refuse to renew a Canadian aviation document where

(a) the Canadian aviation document has been voluntarily surrendered to the Minister by its holder;

(b) the Canadian aviation document has been mutilated, altered, or rendered illegible;

(c) the aircraft in respect of which the Canadian aviation document was issued has been destroyed or withdrawn from use; or

(d) the commercial air service, other service or undertaking in respect of which the Canadian aviation document was issued has been discontinued.

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## **Division IV - Designated Provisions**

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### **103.08 Designated Provisions**

**(1)** The provisions set out in column I of Schedule II to this Subpart are hereby designated as provisions the contravention of which may be dealt with under, and in accordance with the procedure set out in, Sections 7.7 to 8.2 of the *Act*.

**(2)** The amounts set out in column II of Schedule II to this Subpart are the maximum amounts payable in respect of a contravention of the designated provisions set out in column I.

**(3)** A notice issued to a person by the Minister under subsection 7.7(1) of the *Act* shall specify

(a) the particulars of the alleged contravention;

(b) that the person on or to whom the notice is served or sent has the option of paying the amount specified in the notice or filing a request for a review with the Tribunal of the alleged contravention or the amount of the penalty;

(c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the *Act* will be taken against the person on or to whom the notice in respect of that contravention is served or sent;

(d) that, if the person on or to whom the notice is served or sent files a request for a review with the Tribunal, that person will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention; and

(e) that, if the person on or to whom the notice is served or sent fails to pay the amount specified in the notice and fails to file a request for a review with the Tribunal within the prescribed period, that person will be deemed to have committed the contravention set out in the notice.

[Amended 2004/05/11 - Previous Version Dated 1996/10/10]

[SOR/2004-131, s. 3.]

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## **Division V - Preservation and Return of Evidence or Aircraft**

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### **103.09 Preservation and Return of Evidence**

Where the Minister seizes anything pursuant to paragraph 8.7(1)(c) of the *Act*, the Minister shall

(a) mark it in a clearly identifiable manner;

(b) take reasonable care to preserve it until it is required to be produced as evidence; and

(c) return it to the person from whom it was seized within 90 days after the seizure, where

(i) there is no dispute as to who is lawfully entitled to possession of the thing

seized,

(ii) the return is not likely to affect aviation safety, and

(iii) the continued detention of the thing seized is not required for the purposes of an investigation, hearing or other similar proceeding.

### **103.10 Preservation and Return of Aircraft**

Where the Minister detains an aircraft pursuant to paragraph 8.7(1)(d) of the *Act*, the Minister shall

(a) take reasonable care to preserve it; and

(b) return it to the person who had custody of it when it was detained or to the person who is lawfully entitled to possession of it, where the Minister has reasonable grounds to believe that the aircraft

(i) will not be operated, or

(ii) is airworthy or will be rendered airworthy prior to operation and will not be operated in an unsafe manner.

### **103.11 Interpretation**

Nothing in these Regulations shall be construed as requiring the Minister to make repairs or modifications to anything seized or detained pursuant to paragraph 8.7(1)(c) or (d) of the *Act*.

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## **Division VI - Definition of "Principal"**

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### **103.12 Definition of "Principal"**

For the purposes of paragraphs 6.71(1)(c) and 7.1(1)(c) of the *Act*, "principal" means

(a) in respect of an air operator,

(i) any person who is employed or contracted by the air operator on a full- or part-time basis as the operations manager, the chief pilot or the person responsible for the maintenance control system, or any person who occupies an equivalent position,

(ii) any person who exercises control over the air operator as an owner, and

(iii) the accountable executive appointed by the air operator under Section 106.02;

(b) in respect of a private operator,

(i) any person who is employed or contracted by the private operator on a full- or part-time basis as the operations manager, maintenance manager or chief pilot, or any person who occupies an equivalent position, and

(ii) any person who exercises control over the private operator as an owner;

(c) in respect of an approved maintenance organization,

(i) any person who is employed or contracted by the approved maintenance organization on a full- or part-time basis as the person responsible for maintenance,

(ii) any person who exercises control over the approved maintenance organization as an owner; and

(iii) the accountable executive appointed by the approved maintenance organization under Section 106.02;

(d) in respect of an approved training organization,

(i) any person who is responsible for the quality control system, or any person who occupies an equivalent position, and

(ii) any person who exercises control over the approved training organization as an owner;

(e) in respect of a flight training unit,

(i) the chief flight instructor,

(ii) any person who is employed or contracted by the flight training unit on a full- or part-time basis as the person responsible for the maintenance control system,

(iii) any person who exercises control over the flight training unit as an owner, and

(iv) the accountable executive appointed by the flight training unit under Section 106.02;

(f) in respect of a manufacturer of aeronautical products,

(i) any person who is responsible for the quality control system, or any person who occupies an equivalent position, and

(ii) any person who exercises control over the manufacturer as an owner;

(g) in respect of a distributor of aeronautical products,

(i) any person who is responsible for the product control system, or any person who occupies an equivalent position, and

(ii) any person who exercises control over the distributor as an owner;

(h) in respect of an airport,

(i) any person who is employed or contracted by its operator on a full- or part-time basis as the airport manager, or any person who occupies an equivalent position,

(ii) any person who exercises control over the airport as an owner, and

(iii) the accountable executive appointed by its operator under paragraph 106.02(1)(a);  
and

(i) in respect of a provider of air traffic services,

(i) any person who is employed or contracted by the provider of air traffic services on a full- or part-time basis as the operations manager, or any person who occupies an equivalent position,

(ii) any person who exercises control over the provider of air traffic services as an owner, and

(iii) the accountable executive appointed by the provider of air traffic services under paragraph 106.02(1)(a).

[Amended 2014/05/29 - Previous Version Dated 2008/01/01][Amended 2008/01/01 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]


[SOR/2005-173, s. 7; SOR/2007-290, s. 2; SOR/2014-131, s. 3.]

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## Schedule I

(subsection 103.06(4))

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 Transport Canada / Transports Canada	Date
To à	File No. / N <sup>o</sup> de dossier
	Transport Canada / Transports Canada
Request for review must be made on or before the following date: La requête en révision doit être faite au plus tard à la date suivante :	

**Notice of Refusal to Issue or Amend a Canadian Aviation Document**

Pursuant to Section 6.71 of the *Aeronautics Act*, the Minister of Transport has decided to refuse to issue or amend the Canadian aviation document identified below.

Canadian aviation document

The grounds for the Minister's decision are set out in Appendix A.

If you wish a review of the Minister's decision by the Transportation Appeal Tribunal of Canada, you must file a request in writing with the Tribunal on or before the date that is indicated above. Requests for review may be filed with the Transportation Appeal Tribunal of Canada, 333 Laurier Avenue West, Room 1201, Ottawa, Ontario K1A 0N5 (tel.: (613) 990-6906).

On receipt of your request, the Tribunal will set a time and place for a hearing into the Minister's grounds for the decision to refuse to issue or amend the above-noted Canadian aviation document. You will be afforded a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the Minister's grounds before the Tribunal makes its determination. The Tribunal has prepared a booklet entitled *Guide for Applicants*, which you may obtain from the Tribunal.

The particulars set out in this notice are also available in the other official language from the Transport Canada Regional Office indicated above.

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For the Minister of Transport



**Appendix A**

Incompetence (par. 6.71(1)(a))
Qualifications or conditions necessary for issuance or amendment not met or fulfilled (par. 6.71(1)(b))
Public interest reasons for refusal (par. 6.71(1)(c))

Details of Minister’s grounds for the decision indicated above:

[Effective 2015/08/30 - Previous Version Dated 2004/05/11][Amended 2004/05/11 - No Previous Version]

[SOR/2004-131, s. 4; SOR/2015-160, s. 2]

**Schedule II**

(Subsections 103.08(1) and (2))

Column I	Column II	
	Maximum Amount of Penalty (\$)	
Designated Provision	Individual	Corporation

**Part I - General Provisions**

**Subpart 3 - Administration and Compliance**

Subsection 103.02(1)	5,000	25,000
Subsection 103.02(2)	5,000	25,000
Subsection 103.02(3)	5,000	25,000

Section 103.03	5,000	25,000
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**Subpart 5 - Aerial Sightseeing Flight**

Subsection 105.01(2)	1,000	5,000
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**Subpart 6 - Accountable Executive**

Subsection 106.02(1)	5,000	25,000
Subsection 106.02(2)	5,000	25,000

**Subpart 7 - Safety Management System Requirements**

Section 107.02	5,000	25,000
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**Subpart 8 - Reserved**

**Subpart 9 - Aircraft Under an Agreement for Transfer of Functions and Duties in Accordance with Article 83 bis of the Convention**

Subsection 109.03(2)	1,000	5,000
Subsection 109.05	1,000	5,000

**Part II - Aircraft Identification and Registration and Operation of a Leased Aircraft by a Non-registered Owner**

**Subpart 1 - Identification of Aircraft and Other Aeronautical Products**

Subsection 201.01(1)	3,000	15,000
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Subsection 201.01(2)	5,000	25,000
Subsection 201.01(7)	3,000	15,000
Section 201.02	3,000	15,000
Subsection 201.03(1)	5,000	25,000
Subsection 201.03(4)	3,000	15,000
Subsection 201.03(6)	3,000	15,000
Subsection 201.04(3)	3,000	15,000
Subsection 201.05(1)	5,000	25,000
Subsection 201.06(1)	5,000	25,000
Subsection 201.07(1)	5,000	25,000
Subsection 201.09(1)	5,000	25,000
Subsection 201.10(1)	3,000	15,000
Subsection 201.10(2)	3,000	15,000
Subsection 201.10(3)	3,000	15,000
Subsection 201.10(4)	3,000	15,000
Subsection 201.10(5)	5,000	25,000
Subsection 201.11(1)	5,000	25,000
Subsection 201.12(1)	5,000	25,000
Subsection 201.12(3)	5,000	25,000
Subsection 201.12(5)	5,000	25,000

**Subpart 2 - Aircraft Marking and Registration**

Subsection 202.01(1)	3,000	15,000
Subsection 202.01(4)	3,000	15,000
Subsection 202.03(3)	1,000	5,000
Subsection 202.03(4)	1,000	5,000
Subsection 202.04(1)	5,000	25,000
Subsection 202.05(2)	1,000	5,000
Subsection 202.06(2)	1,000	5,000
Subsection 202.07(1)	5,000	25,000
Subsection 202.13(2)	5,000	25,000
Subsection 202.14(3)	5,000	25,000
Section 202.26	1,000	5,000
Subsection 202.28(2)	1,000	5,000
Subsection 202.35(2)	1,000	5,000
Subsection 202.37(1)	3,000	15,000
Section 202.38	3,000	15,000
Subsection 202.42(1)	5,000	25,000
Subsection 202.43(2)	5,000	25,000
Subsection 202.46(2)	3,000	15,000

Subsection 202.46(3)	3,000	15,000
Section 202.51	1,000	5,000
Section 202.52	1,000	5,000
Subsection 202.58(1)	3,000	15,000
Section 202.61	3,000	15,000
Section 202.62	5,000	25,000

**Subpart 3 - Operation of a Leased Aircraft by a Non-registered Owner**

Subsection 203.03(1)	5,000	25,000
Subsection 203.03(4)	1,000	5,000
Subsection 203.03(5)	1,000	5,000
Subsection 203.04(1)	5,000	25,000
Subsection 203.04(2)	5,000	25,000
Subsection 203.06(1)	5,000	25,000
Subsection 203.06(2)	5,000	25,000
Subsection 203.07(1)	5,000	25,000
Subsection 203.07(2)	5,000	25,000
Subsection 203.09	1,000	5,000

**Part III - Aerodromes and Airports**

**Subpart 1 - Aerodromes**

Section 301.02	3,000	15,000
Subsection 301.03(3)	5,000	25,000
Subsection 301.04(1)	5,000	25,000
Subsection 301.04(2)	5,000	25,000
Subsection 301.04(4)	5,000	25,000
Subsection 301.04(5)	5,000	25,000
Subsection 301.04(6)	5,000	25,000
Subsection 301.04(7)	5,000	25,000
Section 301.05	3,000	15,000
Subsection 301.06(1)	5,000	25,000
Subsection 301.06(2)	5,000	25,000
Subsection 301.07(1)	5,000	25,000
Subsection 301.07(5)	5,000	25,000
Subsection 301.07(6)	5,000	25,000
Subsection 301.07(7)	3,000	15,000
Subsection 301.07(8)	3,000	15,000
Subsection 301.07(9)	5,000	25,000
Subsection 301.07(11) - Repealed [SOR/2009-268, s. 3]		

**Subpart 2 - Airports**

Subsection 302.07(1)	5,000	25,000
Subsection 302.07(2)	5,000	25,000
Subsection 302.07(3)	5,000	25,000
Subsection 302.08(1)	5,000	25,000
Subsection 302.08(5)	5,000	25,000
Section 302.09	5,000	25,000
Subsection 302.202(1)	5,000	25,000
Subsection 302.202(2)	1,000	5,000
Paragraph 302.202(3)(a)	3,000	15,000
Paragraph 302.202(3)(b)	1,000	5,000
Paragraph 302.202(4)(a)	3,000	15,000
Paragraph 302.202(4)(b)	3,000	15,000
Subsection 302.203(1)	5,000	25,000
Subsection 302.203(2)	3,000	15,000
Section 302.204	1,000	5,000
Section 302.205	1,000	5,000
Subsection 302.206(1)	1,000	5,000
Subsection 302.206(3)	1,000	5,000

Subsection 302.206(4)	1,000	5,000
Subsection 302.207(1)	5,000	25,000
Subsection 302.207(2)	5,000	25,000
Subsection 302.207(3)	1,000	5,000
Subsection 302.208(2)	3,000	15,000
Subsection 302.208(3)	1,000	5,000
Subsection 302.208(4)	1,000	5,000
Subsection 302.208(5)	1,000	5,000
Subsection 302.208(6)	1,000	5,000
Subsection 302.208(7)	1,000	5,000
Subsection 302.208(9)	1,000	5,000
Subsection 302.208(10)	1,000	5,000
Subsection 302.208(11)	1,000	5,000
Subsection 302.208(12)	1,000	5,000
Subsection 302.208(13)	1,000	5,000
Subsection 302.208(14)	1,000	5,000
Subsection 302.303(1)	1,000	5,000
Subsection 302.303(3)	1,000	5,000
Subsection 302.304(1)	3,000	15,000
Subsection 302.304(2)	3,000	15,000



Subsection 302.304(4)	3,000	15,000
Subsection 302.305(1)	3,000	15,000
Subsection 302.305(2)	3,000	15,000
Subsection 302.305(3)	1,000	5,000
Subsection 302.305(5)	1,000	5,000
Subsection 302.305(6)	3,000	15,000
Subsection 302.307(1)	3,000	15,000
Subsection 302.307(2)	1,000	5,000
Section 302.308	3,000	15,000
Section 302.403	1,000	5,000
Subsection 302.406(1)	3,000	15,000
Subsection 302.406(2)	3,000	15,000
Subsection 302.407(1)	3,000	15,000
Subsection 302.407(2)	3,000	15,000
Subsection 302.410(1)	3,000	15,000
Subsection 302.410(4)	3,000	15,000
Paragraph 302.412(1)(a)	3,000	15,000
Paragraph 302.412(1)(b)	3,000	15,000
Subsection 302.412(2)	1,000	5,000
Subsection 302.412(3)	1,000	5,000

Section 302.413	3,000	15,000
Section 302.414	3,000	15,000
Subsection 302.415(1)	3,000	15,000
Subsection 302.415(2)	3,000	15,000
Subsection 302.416(1)	3,000	15,000
Paragraph 302.417(1)(a)	3,000	15,000
Paragraph 302.417(1)(b)	3,000	15,000
Paragraph 302.417(1)(c)	3,000	15,000
Paragraph 302.417(1)(d)	3,000	15,000
Paragraph 302.417(1)(e)	1,000	5,000
Subsection 302.417(2)	3,000	15,000
Subsection 302.418(1)	3,000	15,000
Subsection 302.418(2)	3,000	15,000
Subsection 302.418(3)	3,000	15,000
Section 302.419	1,000	5,000
Subsection 302.503(2)	3,000	15,000
Subsection 302.503(3)	3,000	15,000
Section 302.504	5,000	25,000

### **Subpart 3 - Aircraft Fire Fighting at Airports and Aerodromes**

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Subsection 303.03(1)	5,000	25,000
Subsection 303.03(2)	5,000	25,000
Subsection 303.04(1)	5,000	25,000
Subsection 303.04(2)	5,000	25,000
Subsection 303.04(3)	5,000	25,000
Subsection 303.04(4)	5,000	25,000
Subsection 303.06(1)	3,000	15,000
Subsection 303.06(2)	3,000	15,000
Subsection 303.06(3)	3,000	15,000
Subsection 303.06(4)	3,000	15,000
Subsection 303.06(7)	3,000	15,000
Subsection 303.07(1)	5,000	25,000
Section 303.08	5,000	25,000
Section 303.09	5,000	25,000
Subsection 303.10(2)	5,000	25,000
Subsection 303.10(3)	3,000	15,000
Subsection 303.11(2)	5,000	25,000
Section 303.12	5,000	25,000
Section 303.13	5,000	25,000
Section 303.14	5,000	25,000

Section 303.15	5,000	25,000
Subsection 303.16(1)	5,000	25,000
Subsection 303.16(2)	5,000	25,000
Section 303.17	5,000	25,000
Subsection 303.18(1)	5,000	25,000
Subsection 303.18(2)	3,000	15,000
Subsection 303.18(3)	3,000	15,000
Subsection 303.18(5)	3,000	15,000
Subsection 303.18(6)	3,000	15,000
Subsection 303.18(7)	5,000	25,000
Section 303.19	5,000	25,000
Subsection 303.20(1)	5,000	25,000
Subsection 303.20(2)	5,000	25,000

**Subpart 4 - Reserved**

**Subpart 5 - Heliports**

Section 305.03	5,000	25,000
Section 305.05	1,000	5,000
Subsection 305.10(1)	5,000	25,000
Subsection 305.10(2)	3,000	15,000

Subsection 305.10(3)	5,000	25,000
Subsection 305.17(1)	3,000	15,000
Subsection 305.17(2)	3,000	15,000
Subsection 305.17(3)	3,000	15,000
Subsection 305.17(4)	3,000	15,000
Subsection 305.17(5)	3,000	15,000
Subsection 305.18(1)	3,000	15,000
Subsection 305.18(2)	3,000	15,000
Section 305.19	3,000	15,000
Section 305.20	3,000	15,000
Subsection 305.25(1)	5,000	25,000
Subsection 305.25(2)	5,000	25,000
Subsection 305.25(3)	5,000	25,000
Subsection 305.25(4)	5,000	25,000
Subsection 305.25(5)	5,000	25,000
Subsection 305.25(6)	5,000	25,000
Subsection 305.29(1)	5,000	25,000
Subsection 305.29(2)	5,000	25,000
Subsection 305.29(3)	5,000	25,000
Subsection 305.29(4)	5,000	25,000

Subsection 305.29(5)	5,000	25,000
Subsection 305.31(1)	3,000	15,000
Subsection 305.31(2)	3,000	15,000
Subsection 305.33(1)	3,000	15,000
Subsection 305.33(2)	5,000	25,000
Subsection 305.33(3)	5,000	25,000
Subsection 305.33(4)	5,000	25,000
Subsection 305.33(6)	5,000	25,000
Subsection 305.33(7)	5,000	25,000
Subsection 305.33(8)	5,000	25,000
Subsection 305.33(9)	5,000	25,000
Subsection 305.33(10)	5,000	25,000
Subsection 305.33(11)	5,000	25,000
Subsection 305.33(12)	5,000	25,000
Subsection 305.33(13)	5,000	25,000
Subsection 305.33(14)	5,000	25,000
Subsection 305.35(1)	3,000	15,000
Subsection 305.35(2)	3,000	15,000
Subsection 305.35(3)	3,000	15,000
Subsection 305.35(4)	3,000	15,000

Subsection 305.37(1)	5,000	25,000
Subsection 305.37(2)	5,000	25,000
Subsection 305.37(3)	5,000	25,000
Subsection 305.37(4)	5,000	25,000
Subsection 305.37(5)	5,000	25,000
Subsection 305.38(1)	3,000	15,000
Subsection 305.39(1)	3,000	15,000
Subsection 305.39(2)	3,000	15,000
Subsection 305.39(3)	3,000	15,000
Subsection 305.41(1)	3,000	15,000
Subsection 305.41(2)	3,000	15,000
Subsection 305.41(3)	3,000	15,000
Subsection 305.41(4)	3,000	15,000
Subsection 305.41(5)	5,000	25,000
Subsection 305.43(1)	5,000	25,000
Subsection 305.43(2)	5,000	25,000
Subsection 305.43(3)	5,000	25,000
Subsection 305.43(4)	5,000	25,000
Subsection 305.43(5)	5,000	25,000
Subsection 305.45(1)	3,000	15,000

Subsection 305.45(2)	1,000	5,000
Subsection 305.45(3)	1,000	5,000
Subsection 305.45(4)	1,000	5,000
Subsection 305.45(5)	1,000	5,000
Subsection 305.45(6)	1,000	5,000
Subsection 305.45(7)	1,000	5,000
Subsection 305.45(8)	1,000	5,000
Subsection 305.46(1)	5,000	25,000
Subsection 305.46(2)	5,000	25,000
Section 305.47	5,000	25,000
Section 305.48	5,000	25,000
Section 305.49	3,000	15,000
Subsection 305.53(2)	1,000	5,000
Subsection 305.54(1)	1,000	5,000
Subsection 305.54(2)	1,000	5,000
Subsection 305.54(3)	1,000	5,000
Section 305.55	1,000	5,000
Section 305.56	1,000	5,000
Section 305.57	1,000	5,000



**Subpart 7 - Aerodromes - Consultations**

Section 307.03	5,000	25,000
Section 307.05	3,000	15,000
Section 307.06	3,000	15,000
Section 307.07	3,000	15,000
Section 307.08	3,000	15,000
Section 307.09	3,000	15,000
Subsection 307.10(1)	3,000	15,000

**Subpart 8 - Repealed**

[SOR/2006-86, s. 1]

**Part IV - Personnel Licensing and Training**

Subsection 400.05(1)	3,000	15,000
Section 400.07	1,000	5,000

**Subpart 1 - Flight Crew Permits, Licences and Ratings**

Subsection 401.03(1)	5,000	25,000
Section 401.04	5,000	25,000
Subsection 401.05(1)	3,000	15,000
Subsection 401.05(2)	3,000	15,000
Subsection 401.05(3)	3,000	15,000

Subsection 401.05(4)	3,000	15,000
Subsection 401.05(6)	3,000	15,000
Subsection 401.08(3)	5,000	25,000
Subsection 401.11(1)	5,000	25,000
Subsection 401.15(1)	3,000	15,000
Subsection 401.28(1)	5,000	15,000
Subsection 401.30(3)	5,000	25,000
Subsection 401.31(3)	5,000	25,000
Section 401.62	3,000	15,000
Subsection 401.63(1)	3,000	15,000
Subsection 401.63(2)	3,000	15,000
Section 401.64	1,000	5,000

**Subpart 2 - Air Traffic Controller Licences and Ratings**

Subsection 402.04(1)	5,000	25,000
Section 402.05	5,000	25,000
Section 402.16	3,000	15,000

**Subpart 3 - Aircraft Maintenance Engineer Licences and Ratings**

Subsection 403.02(1)	5,000	25,000
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Subsection 403.05(1)	3,000	15,000
Subsection 403.05(2)	3,000	15,000
Subsection 403.08(1)	5,000	25,000

#### **Subpart 4 - Medical Requirements**

Subsection 404.03(1)	5,000	25,000
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#### **Subpart 5 - Flight Training**

Section 405.11	3,000	15,000
Section 405.13	1,000	5,000
Subsection 405.21(1)	5,000	25,000
Section 405.22	3,000	15,000
Section 405.23	3,000	15,000
Section 405.24	3,000	15,000
Section 405.31	1,000	5,000
Section 405.32	1,000	5,000
Subsection 405.33(1)	1,000	5,000
Subsection 405.33(2)	1,000	5,000
Subsection 405.33(3)	1,000	5,000

**Subpart 6 - Flight Training Units**

Subsection 406.03(1)	5,000	25,000
Subsection 406.03(3)	1,000	5,000
Subsection 406.05(1)	3,000	15,000
Subsection 406.05(2)	3,000	15,000
Section 406.14	3,000	15,000
Subsection 406.19(1)	5,000	25,000
Subsection 406.19(5)	5,000	25,000
Subsection 406.21(1)	3,000	15,000
Subsection 406.21(2)	3,000	15,000
Section 406.22	5,000	25,000
Section 406.22.1	3,000	15,000
Section 406.22.2	3,000	15,000
Section 406.22.3	3,000	15,000
Section 406.23	5,000	25,000
Section 406.24	3,000	15,000
Section 406.25	3,000	15,000
Section 406.26	3,000	15,000
Section 406.31	5,000	25,000
Section 406.32	3,000	15,000

Section 406.33	5,000	25,000
Section 406.34	3,000	15,000
Section 406.35	5,000	25,000
Subsection 406.36(1)	3,000	15,000
Section 406.37	5,000	25,000
Subsection 406.38(1)	5,000	25,000
Subsection 406.39(1)	5,000	25,000
Subsection 406.39(2)	3,000	15,000
Section 406.40	5,000	25,000
Section 406.41	5,000	25,000
Section 406.42	3,000	15,000
Section 406.43	3,000	15,000
Section 406.44	3,000	15,000
Section 406.45	3,000	15,000
Subsection 406.46(1)	3,000	15,000
Subsection 406.46(2)	1,000	5,000
Subsection 406.47(1)	5,000	25,000
Subsection 406.47(2) - Repealed [SOR/2005-173, s. 3]		
Subsection 406.47(3)	5,000	25,000
Section 406.50	3,000	15,000

Subsection 406.51(1)	3,000	15,000
Subsection 406.51(2)	3,000	15,000
Section 406.52	3,000	15,000
Section 406.53	5,000	25,000
Section 406.54	3,000	15,000
Section 406.55	1,000	5,000
Section 406.56	3,000	15,000
Section 406.57	3,000	15,000
Subsection 406.58(1)	5,000	25,000
Subsection 406.58(2)	3,000	15,000
Subsection 406.61(1)	3,000	15,000
Subsection 406.61(3)	3,000	15,000
Subsection 406.61(4)	3,000	15,000
Subsection 406.61(6)	3,000	15,000
Subsection 406.61(7)	1,000	5,000
Subsection 406.61(9)	1,000	5,000
Subsection 406.61(10)	1,000	5,000
Subsection 406.62(1)	3,000	15,000
Subsection 406.62(3)	3,000	15,000
Subsection 406.62(4)	3,000	15,000

Subsection 406.63(1)	1,000	5,000
Subsection 406.63(2)	1,000	5,000
Section 406.64	1,000	5,000
Subsection 406.71(2)	3,000	15,000
Section 406.76	1,000	5,000

## **Part V - Airworthiness**

### **Subpart 1 - Annual Airworthiness Information Report**

Subsection 501.01(1)	1,000	5,000
Section 501.02	1,000	5,000
Section 501.03	1,000	5,000

### **Subpart 9 - Export Airworthiness Certificates**

Section 509.05	3,000	15,000
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### **Subpart 11 and 13 - Repealed**

[SOR/2009-280, s. 3]

### **Subpart 21 - Approval of the Type Design or a Change to the Type Design of an Aeronautical Product**

Section 521.353	3,000	15,000
Section 521.354	3,000	15,000
Subsection 521.355(1)	3,000	15,000

Subsection 521.355(2)	3,000	15,000
Section 521.356	5,000	25,000
Section 521.365	3,000	15,000
Subsection 521.366(1)	3,000	15,000
Subsection 521.366(2)	3,000	15,000
Subsection 521.367(1)	3,000	15,000
Subsection 521.367(2)	3,000	15,000
Subsection 521.367(3)	1,000	5,000
Section 521.368	3,000	15,000
Subsection 521.369(2)	3,000	15,000
Subsection 521.369(6)	5,000	25,000
Subsection 521.401(1)	3,000	15,000
Subsection 521.402(1)	3,000	15,000
Subsection 521.402(3)	3,000	15,000

**Subpart 61 Manufacture of Aeronautical Products**

Subsection 561.04(1)	3,000	15,000
Subsection 561.04(5)	5,000	25,000
Subsection 561.04(7)	1,000	5,000
Section 561.05	5,000	25,000



Subsection 561.07(1)	5,000	25,000
Subsection 561.07(2)	5,000	25,000
Subsection 561.07(5)	3,000	15,000
Subsection 561.07(7)	5,000	25,000
Subsection 561.07(8)	1,000	5,000
Subsection 561.07(10)	3,000	15,000
Subsection 561.08(1)	3,000	15,000
Subsection 561.08(3)	3,000	15,000
Subsection 561.09(1)	3,000	15,000
Subsection 561.09(2)	3,000	15,000
Subsection 561.09(3)	3,000	15,000
Subsection 561.10(1)	5,000	25,000
Subsection 561.10(2)	5,000	25,000
Section 561.11	3,000	15,000
Subsection 561.12(1)	5,000	25,000
Subsection 561.12(3)	1,000	5,000
Subsection 561.13(1)	5,000	25,000
Subsection 561.13(3)	5,000	25,000
Subsection 561.14(1)	3,000	15,000
Subsection 561.14(2)	3,000	15,000

Section 561.15	3,000	15,000
Section 561.16	1,000	5,000

**Subpart 71 - Aircraft Maintenance Requirements**

Subsection 571.02(1)	5,000	25,000
Subsection 571.02(2)	3,000	15,000
Subsection 571.02(3)	5,000	25,000
Section 571.03	5,000	25,000
Section 571.04	3,000	15,000
Section 571.05	3,000	15,000
Subsection 571.06(1)	5,000	25,000
Subsection 571.06(2)	3,000	15,000
Subsection 571.06(3)	3,000	15,000
Subsection 571.06(5)	5,000	25,000
Subsection 571.07(1)	5,000	25,000
Subsection 571.08(1)	5,000	25,000
Subsection 571.08(2)	3,000	15,000
Subsection 571.09(1)	5,000	25,000
Subsection 571.09(2)	5,000	25,000
Subsection 571.10(1)	5,000	25,000

Subsection 571.10(5)	5,000	25,000
Subsection 571.11(1)	5,000	25,000
Subsection 571.11(3)	5,000	25,000
Subsection 571.11(4)	5,000	25,000
Subsection 571.11(6)	3,000	15,000
Section 571.12	1,000	5,000
Section 571.13(1)	5,000	25,000

**Subpart 73 - Approved Maintenance Organizations**

Subsection 573.03(1)	5,000	25,000
Subsection 573.03(2) - Repealed [SOR/2005-173, s. 4]		
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Subsection 573.07(1)	5,000	25,000
Subsection 573.07(2)	1,000	5,000

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### **Subpart 91 - Repealed**

[SOR/2009-280, s. 4]

### **Part VI - General Operating and Flight Rules**

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Subsection 700.20(4)	1,000	5,000
Subsection 700.21(1) - Repealed [SOR/2018-269, s. 2]		
Subsection 700.21(2) - Repealed [SOR/2018-269, s. 2]		
Subsection 700.21(3)	1,000	5,000
Subsection 700.26(1)	5,000	25,000
Subsection 700.26(2)	1,000	5,000
Subsection 700.26(3)	1,000	5,000

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Subsection 700.26(4)	1,000	5,000
Subsection 700.26(5)	1,000	5,000
Subsection 700.27(1)	5,000	25,000
Subsection 700.28(1)	5,000	25,000
Subsection 700.29(1)	5,000	25,000
Subsection 700.29(2)	3,000	15,000
Section 700.37	1,000	5,000
Subsection 700.40(1)	5,000	25,000
Subsection 700.41(1)	5,000	25,000
Subsection 700.42(1)	5,000	25,000
Subsection 700.42(2)	5,000	25,000
Subsection 700.43(1)	5,000	25,000
Subsection 700.43(3)	3,000	15,000
Subsection 700.51(1)	5,000	25,000
Subsection 700.52(4)	5,000	25,000
Section 700.61	5,000	25,000
Subsection 700.62(1)	5,000	25,000
Subsection 700.62(2)	5,000	25,000
Subsection 700.63(3)	5,000	25,000
Subsection 700.70(1)	3,000	15,000

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Subsection 700.70(2)	3,000	15,000
Subsection 700.70(3)	3,000	15,000
Subsection 700.70(4)	3,000	15,000
Subsection 700.70(5)	3,000	15,000
Subsection 700.70(6)	3,000	15,000
Subsection 700.70(7)	3,000	15,000
Subsection 700.70(10)	3,000	15,000
Subsection 700.71(1)	3,000	15,000
Subsection 700.71(2)	3,000	15,000
Subsection 700.72(1)	3,000	15,000
Subsection 700.72(2)	1,000	5,000
Subsection 700.72(3)	1,000	5,000
Subsection 700.72(4)	1,000	5,000
Subsection 700.101(1)	3,000	15,000
Subsection 700.102(1)	5,000	25,000
Subsection 700.102(2)	1,000	5,000
Subsection 700.102(3)	1,000	5,000
Subsection 700.102(4)	1,000	5,000
Subsection 700.102(5)	1,000	5,000
Subsection 700.103(1)	5,000	25,000

Section 700.104	5,000	25,000
Subsection 700.116(1)	5,000	25,000
Section 700.117	5,000	25,000
Subsection 700.118(2)	5,000	25,000
Subsection 700.119(1)	3,000	15,000
Section 700.120	5,000	25,000
Subsection 700.131(4)	5,000	25,000
Subsection 700.132(1)	5,000	25,000
Subsection 700.132(2)	5,000	25,000
Subsection 700.133(3)	1,000	5,000
Subsection 700.134(1)	5,000	25,000
Subsection 700.134(2)	5,000	25,000
Subsection 700.135(1)	3,000	15,000
Subsection 700.135(2)	1,000	5,000
Subsection 700.135(3)	1,000	5,000
Subsection 700.135(4)	1,000	5,000

**Subpart 1 - Foreign Air Operations**

Subsection 701.02(1)	5,000	25,000
Subsection 701.03(1)	3,000	25,000

Subsection 701.03(2)	5,000	25,000
Subsection 701.16(1)	3,000	15,000
Subsection 701.17(1)	5,000	25,000
Section 701.18	3,000	15,000
Subsection 701.22(1)	5,000	25,000
Subsection 701.23(1)	3,000	15,000
Subsection 701.23(2)	3,000	15,000
Section 701.24	3,000	15,000
Subsection 701.25(2)	5,000	25,000
Subsection 701.25(4)	5,000	25,000
Subsection 701.25(7)	5,000	25,000
Subsection 701.25(8)	5,000	25,000
Subsection 701.29(1)	5,000	25,000
Subsection 701.30(1)	5,000	25,000
Subsection 701.30(4)	1,000	5,000
Subsection 701.30(5)	5,000	25,000

**Subpart 2 - Aerial Work**

Section 702.02	5,000	25,000
Subsection 702.11(1)	3,000	15,000

Subsection 702.11(2)	3,000	15,000
Section 702.12	5,000	25,000
Section 702.13	3,000	15,000
Section 702.14	3,000	15,000
Section 702.15	5,000	25,000
Section 702.16	3,000	15,000
Subsection 702.18(1)	3,000	15,000
Subsection 702.18(3)	5,000	25,000
Section 702.20	5,000	25,000
Section 702.21(1)	5,000	25,000
Section 702.23	3,000	15,000
Section 702.24	5,000	25,000
Subsection 702.42(1)	3,000	15,000
Subsection 702.42(2)	3,000	15,000
Section 702.43	5,000	25,000
Section 702.44	3,000	15,000
Section 702.45	3,000	15,000
Subsection 702.46(1)	3,000	15,000
Subsection 702.46(2)	3,000	15,000
Section 702.64	3,000	15,000



Section 702.65	5,000	25,000
Subsection 702.76(1)	3,000	15,000
Subsection 702.76(3)	1,000	5,000
Subsection 702.77(1)	3,000	15,000
Subsection 702.77(2)	3,000	15,000
Subsection 702.77(3)	1,000	5,000
Subsection 702.81(1)	3,000	15,000
Subsection 702.81(2)	3,000	15,000
Subsection 702.81(3)	3,000	15,000
Subsection 702.83(1)	3,000	15,000
Subsection 702.83(3)	1,000	5,000
Subsection 702.84(1)	3,000	15,000
Subsection 702.84(2)	1,000	5,000
Subsection 702.91(1)	3,000	15,000
Subsection 702.91(2)	1,000	5,000
Subsection 702.92(1)	5,000	25,000
Subsection 702.93(1)	5,000	25,000
Subsection 702.93(2)	5,000	25,000
Subsection 702.96(1)	3,000	15,000
Subsection 702.96(3)	1,000	5,000

Section 702.97	3,000	15,000
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**Subpart 3 - Air Taxi Operations**

Section 703.02	5,000	25,000
Subsection 703.14(1)	3,000	15,000
Subsection 703.14(2)	3,000	15,000
Subsection 703.15(1)	3,000	15,000
Section 703.16	3,000	15,000
Section 703.17	3,000	15,000
Subsection 703.18(1)	3,000	15,000
Subsection 703.18(2)	1,000	5,000
Subsection 703.18(3)	3,000	15,000
Section 703.19	5,000	25,000
Section 703.20	5,000	25,000
Subsection 703.21(1)	3,000	15,000
Subsection 703.21(2)	3,000	15,000
Subsection 703.22(1)	5,000	25,000
Section 703.23	5,000	25,000
Section 703.24	5,000	25,000
Section 703.25	3,000	15,000

Section 703.26	1,000	5,000
Section 703.27	5,000	25,000
Section 703.29	3,000	15,000
Subsection 703.30(1)	3,000	15,000
Section 703.32	5,000	25,000
Section 703.33	3,000	15,000
Section 703.34	3,000	15,000
Section 703.35 - Repealed [SOR/2006-199, s. 4]		
Subsection 703.37(1)	5,000	25,000
Subsection 703.37(2)	5,000	25,000
Subsection 703.37(3)	1,000	5,000
Subsection 703.38(1)	1,000	5,000
Subsection 703.38(2)	5,000	25,000
Subsection 703.39(1)	3,000	15,000
Subsection 703.39(2)	1,000	5,000
Subsection 703.39(3)	1,000	5,000
Subsection 703.39(4)	3,000	15,000
Subsection 703.39(5)	3,000	15,000
Section 703.40	3,000	15,000
Subsection 703.41(2)	3,000	15,000

Subsection 703.41(3)	3,000	15,000
Subsection 703.41(4)	3,000	15,000
Subsection 703.64(1)	5,000	25,000
Subsection 703.64(2)	3,000	15,000
Section 703.65	3,000	15,000
Section 703.66	5,000	25,000
Subsection 703.67(1)	5,000	25,000
Section 703.68	3,000	15,000
Section 703.69	3,000	15,000
Subsection 703.70(1)	3,000	15,000
Subsection 703.70(2)	3,000	15,000
Subsection 703.71(1)	5,000	25,000
Section 703.82	1,000	5,000
Subsection 703.83(1) [SOR/2019-49, s. 2]	1,000	3,000
Subsection 703.83(2) [SOR/2019-49, s. 2]	1,000	
Section 703.85.1	1,000	5,000
Subsection 703.85.2(1)	1,000	5,000
Subsection 703.85.2(2)	3,000	15,000
Section 703.86	5,000	25,000

Section 703.87	3,000	15,000
Subsection 703.88(1)	5,000	25,000
Subsection 703.88(3)	5,000	25,000
Subsection 703.88(4)	3,000	15,000
Subsection 703.89(1)	3,000	15,000
Subsection 703.89(2)	3,000	15,000
Subsection 703.98(1)	3,000	15,000
Subsection 703.98(3)	1,000	5,000
Subsection 703.99(1)	3,000	15,000
Subsection 703.99(2)	3,000	15,000
Subsection 703.99(3)	1,000	5,000
Subsection 703.104(1)	3,000	15,000
Subsection 703.104(2)	3,000	15,000
Subsection 703.104(3)	3,000	15,000
Subsection 703.106(1)	3,000	15,000
Subsection 703.106(3)	1,000	5,000
Subsection 703.107(1)	3,000	15,000
Subsection 703.107(2)	1,000	5,000

#### **Subpart 4 - Commuter Operations**

Section 704.02	5,000	25,000
Subsection 704.12(1)	3,000	15,000
Subsection 704.12(2)	3,000	15,000
Section 704.13	3,000	15,000
Subsection 704.14(1)	3,000	15,000
Section 704.15	5,000	25,000
Section 704.16	3,000	15,000
Subsection 704.17(1)	3,000	15,000
Subsection 704.17(2)	3,000	15,000
Subsection 704.17(3)	1,000	5,000
Section 704.18	5,000	25,000
Subsection 704.19(1)	3,000	15,000
Subsection 704.19(2)	3,000	15,000
Section 704.20	5,000	25,000
Subsection 704.21(1)	3,000	15,000
Subsection 704.21(2)	3,000	15,000
Section 704.22	1,000	5,000
Section 704.23	5,000	25,000
Section 704.25	3,000	15,000
Subsection 704.26(1)	3,000	15,000

Section 704.28	3,000	15,000
Section 704.29	3,000	15,000
Subsection 704.30(1) and (2) - Repealed [SOR/2006-199, s. 6.]		
Subsection 704.32(1)	5,000	25,000
Subsection 704.32(2)	5,000	25,000
Subsection 704.32(3)	1,000	5,000
Subsection 704.33(1)	1,000	5,000
Subsection 704.33(3)	3,000	15,000
Subsection 704.33(4)	5,000	25,000
Subsection 704.34(1)	1,000	5,000
Subsection 704.34(2)	1,000	5,000
Subsection 704.34(3)	3,000	15,000
Subsection 704.34(4)	3,000	15,000
Section 704.35	3,000	15,000
Subsection 704.36(1)	3,000	15,000
Subsection 704.36(2)	3,000	15,000
Subsection 704.37(2)	3,000	15,000
Subsection 704.37(3)	3,000	15,000
Subsection 704.37(4)	3,000	15,000
Subsection 704.45(1)	5,000	25,000

Subsection 704.46(1)	5,000	25,000
Subsection 704.47(1)	5,000	25,000
Section 704.48	5,000	25,000
Subsection 704.49(1)	5,000	25,000
Subsection 704.50(1)	5,000	25,000
Subsection 704.51(1)	3,000	15,000
Subsection 704.51(2)	3,000	15,000
Section 704.52	5,000	25,000
Subsection 704.62(1)	3,000	15,000
Subsection 704.62(3)	3,000	15,000
Subsection 704.63(1)	5,000	25,000
Subsection 704.63(2)	3,000	15,000
Section 704.64	3,000	15,000
Section 704.65	5,000	25,000
Subsection 704.66(1)	5,000	25,000
Section 704.67	3,000	15,000
Section 704.68	3,000	15,000
Subsection 704.70(1)	3,000	15,000
Subsection 704.70(2)	3,000	15,000
Subsection 704.70(3)	3,000	15,000



Subsection 704.71(1)	5,000	25,000
Subsection 704.71(2)	5,000	25,000
Section 704.83	3,000	15,000
Section 704.84	1,000	5,000
Section 704.85	1,000	5,000
Subsection 704.86(1)	1,000	5,000
Subsection 704.86(2)	3,000	15,000
Section 704.106	5,000	25,000
Section 704.107	3,000	15,000
Subsection 704.108(1)	5,000	25,000
Subsection 704.108(3)	3,000	15,000
Subsection 704.108(4)	3,000	15,000
Subsection 704.108(5)	5,000	25,000
Subsection 704.109(1)	5,000	25,000
Subsection 704.109(2)	3,000	15,000
Subsection 704.115(1)	3,000	15,000
Subsection 704.115(3)	1,000	5,000
Subsection 704.117(1)	5,000	25,000
Subsection 704.117(2)	3,000	15,000
Subsection 704.117(3)	1,000	5,000

Subsection 704.120(1)	5,000	25,000
Subsection 704.120(2)	3,000	15,000
Subsection 704.120(3)	3,000	15,000
Subsection 704.122(1)	3,000	15,000
Subsection 704.122(3)	1,000	5,000
Subsection 704.123(3)	1,000	5,000
Subsection 704.124(1)	5,000	25,000
Subsection 704.124(2)	1,000	5,000

**Subpart 5 - Airline Operations**

Section 705.02	5,000	25,000
Subsection 705.16(3)	3,000	15,000
Subsection 705.17(1)	3,000	15,000
Subsection 705.17(2)	3,000	15,000
Section 705.18	3,000	15,000
Subsection 705.19(1)	3,000	15,000
Section 705.20	5,000	25,000
Section 705.21	3,000	15,000
Subsection 705.22(1)	3,000	15,000
Subsection 705.22(2)	3,000	15,000

Subsection 705.22(3)	1,000	5,000
Section 705.23	5,000	25,000
Subsection 705.24(1)	3,000	15,000
Subsection 705.24(2)	3,000	15,000
Subsection 705.25(1)	5,000	25,000
Subsection 705.26(1)	3,000	15,000
Subsection 705.27(1)	3,000	15,000
Subsection 705.27(2)	3,000	15,000
Subsection 705.27(3)	3,000	15,000
Subsection 705.27(4)	3,000	15,000
Subsection 705.27(5)	1,000	5,000
Subsection 705.27(6)	1,000	5,000
Subsection 705.27(7)	1,000	5,000
Subsection 705.27(10)	1,000	5,000
Section 705.28	3,000	15,000
Subsection 705.29(1)	1,000	5,000
Section 705.30	1,000	5,000
Section 705.31	1,000	5,000
Section 705.32	5,000	25,000
Section 705.33	3,000	15,000

Subsection 705.34(1)	3,000	15,000
Section 705.36	3,000	15,000
Section 705.37	3,000	15,000
Subsection 705.38(1) and (2) - Repealed [SOR/2006-199, s. 8]		
Subsection 705.39(1)	5,000	25,000
Subsection 705.39(2)	5,000	25,000
Subsection 705.39(3)	1,000	5,000
Subsection 705.40(1)	1,000	5,000
Subsection 705.40(3)	5,000	25,000
Subsection 705.41(1)	3,000	15,000
Subsection 705.41(3)	3,000	15,000
Subsection 705.42(1)	5,000	25,000
Subsection 705.42(2)	5,000	25,000
Subsection 705.42(6)	1,000	5,000
Subsection 705.43(1)	3,000	15,000
Subsection 705.43(2)	3,000	15,000
Subsection 705.43(3)	1,000	5,000
Subsection 705.43(4)	3,000	15,000
Subsection 705.43(5)	3,000	15,000
Section 705.44	3,000	15,000

Subsection 705.45(1)	5,000	25,000
Subsection 705.45(3)	5,000	25,000
Subsection 705.47(1)	3,000	15,000
Subsection 705.47(2)	3,000	15,000
Subsection 705.48(2)	3,000	15,000
Subsection 705.48(3)	3,000	15,000
Subsection 705.48(4)	3,000	15,000
Subsection 705.56(1)	5,000	25,000
Subsection 705.57(1)	5,000	25,000
Subsection 705.58(1)	5,000	25,000
Subsection 705.59(1)	5,000	25,000
Subsection 705.60(1)	5,000	25,000
Subsection 705.61(1)	5,000	25,000
Section 705.67	5,000	25,000
Section 705.68	3,000	15,000
Subsection 705.69(1)	5,000	25,000
Subsection 705.69(2)	3,000	15,000
Section 705.70	3,000	15,000
Subsection 705.71(1)	5,000	25,000
Section 705.72	3,000	15,000

Section 705.73	3,000	15,000
Section 705.74	3,000	15,000
Section 705.75	3,000	15,000
Section 705.76	5,000	25,000
Section 705.77	5,000	25,000
Section 705.78	5,000	25,000
Section 705.79	3,000	15,000
Subsection 705.80(1)	5,000	25,000
Subsection 705.80(4)	1,000	5,000
Subsection 705.80(5)	5,000	25,000
Section 705.81	5,000	25,000
Subsection 705.83(1)	3,000	15,000
Subsection 705.83(2)	3,000	15,000
Subsection 705.83(3)	3,000	15,000
Subsection 705.84(1)	5,000	25,000
Section 705.89	1,000	5,000
Subsection 705.90(1)	1,000	5,000
Section 705.91	1,000	5,000
Section 705.92	1,000	5,000
Subsection 705.93(1)	3,000	15,000

Section 705.94	3,000	15,000
Subsection 705.95(1)	1,000	5,000
Subsection 705.95(2)	3,000	15,000
Section 705.96	1,000	5,000
Section 705.97	1,000	5,000
Section 705.103	3,000	15,000
Subsection 705.104(1) and (2) - Repealed [SOR/2015-127, s. 7]		
Section 705.105 Repealed [SOR/2015-127, s. 7]		
Subsection 705.106(1)	5,000	25,000
Subsection 705.106(4)	1,000	5,000
Subsection 705.107(1)	5,000	25,000
Section 705.108	5,000	25,000
Subsection 705.109(1)	5,000	25,000
Subsection 705.110(1)	5,000	25,000
Subsection 705.110(2)	1,000	5,000
Section 705.111	3,000	15,000
Subsection 705.124(1)	3,000	15,000
Subsection 705.124(3)	1,000	5,000
Subsection 705.127(1)	5,000	25,000

Subsection 705.127(2)	5,000	25,000
Subsection 705.127(3)	1,000	5,000
Subsection 705.134(1)	5,000	25,000
Subsection 705.134(2)	3,000	15,000
Subsection 705.134(3)	3,000	15,000
Subsection 705.136(1)	3,000	15,000
Subsection 705.136(3)	1,000	5,000
Subsection 705.137(3)	3,000	15,000
Subsection 705.137(5)	1,000	5,000
Subsection 705.138(1)	5,000	25,000
Subsection 705.138(2)	3,000	15,000
Subsection 705.138(3)	1,000	5,000
Subsection 705.139(1)	5,000	25,000
Subsection 705.139(4)	3,000	15,000
Subsection 705.139(5)	1,000	5,000
Section 705.172	1,000	5,000
Section 705.173	1,000	5,000
Subsection 705.174(1)	1,000	5,000
Subsection 705.174(4)	1,000	5,000
Subsection 705.174(5)	1,000	5,000



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Subsection 705.201(1)	3,000	15,000
Subsection 705.201(4)	1,000	5,000
Subsection 705.202(1)	1,000	5,000
Section 705.203	1,000	5,000
Subsection 705.204(1)	1,000	5,000
Subsection 705.204(2)	1,000	5,000
Subsection 705.204(3)	1,000	5,000
Subsection 705.204(4)	1,000	5,000
Subsection 705.205(1)	1,000	5,000
Section 705.206	1,000	5,000
Subsection 705.207(1)	1,000	5,000
Subsection 705.220(1)	1,000	5,000
Subsection 705.220(2)	1,000	5,000
Subsection 705.220(3)	1,000	5,000
Subsection 705.220(4)	1,000	5,000
Subsection 705.221(2)	1,000	5,000
Subsection 705.222(1)	1,000	5,000
Paragraph 705.222(5)(a)	1,000	5,000
Paragraph 705.222(5)(b)	1,000	5,000
Subsection 705.223(1)	1,000	5,000

Subsection 705.224(1)	3,000	15,000
Subsection 705.224(2)	3,000	15,000
Section 705.225	1,000	5,000
Section 705.226	1,000	5,000
Section 705.227	1,000	5,000

**Subpart 6 - Aircraft Maintenance Requirements for Air Operators**

Section 706.02	5,000	25,000
Subsection 706.03(1)	5,000	25,000
Section 706.04	5,000	25,000
Section 706.05	5,000	25,000
Subsection 706.06(1)	5,000	25,000
Subsection 706.07(1)	5,000	25,000
Subsection 706.07(2) - Repealed [SOR/2005-173, s. 6]		
Subsection 706.08(1)	5,000	25,000
Subsection 706.08(3)	5,000	25,000
Subsection 706.08(4)	5,000	25,000
Subsection 706.08(5)	5,000	25,000
Subsection 706.08(6)	3,000	15,000
Subsection 706.08(7)	1,000	5,000

Subsection 706.09(1)	5,000	25,000
Subsection 706.09(2)	3,000	15,000
Subsection 706.09(4)	3,000	15,000
Section 706.10	3,000	15,000
Section 706.11	3,000	15,000
Section 706.12	3,000	15,000
Subsection 706.13(1)	3,000	15,000
Subsection 706.13(2)	1,000	5,000
Section 706.14	3,000	15,000
Section 706.15	3,000	15,000

**Part VIII - Air Navigation Services**

**Subpart 1 - Air Traffic Services**

Subsection 801.01(1)	5,000	25,000
Subsection 801.01(2)	3,000	15,000
Section 801.03	5,000	25,000
Section 801.08	5,000	25,000
Subsection 801.09(1)	5,000	25,000
Subsection 801.09(3)	3,000	15,000
Section 801.10	5,000	25,000

**Subpart 2 - Aeronautical Telecommunications**

Subsection 802.02(1)	5,000	25,000
Subsection 802.02(2)	5,000	25,000
Subsection 802.02(3)	5,000	25,000
Subsection 802.02(4) - Repealed [SOR/2020-151, s. 3]		

**Subpart 3 - Aeronautical Information Services**

Section 803.01(2)	5,000	25,000
Section 803.02	5,000	25,000

**Subpart 4 - Aviation Weather Services**

Subsection 804.01(1)	5,000	25,000
Subsection 804.23(1)	3,000	15,000
Subsection 804.23(2)	3,000	15,000
Section 804.24	1,000	5,000
Subsection 804.25(1)	3,000	15,000
Subsection 804.25(2)	3,000	25,000

**Subpart 5 - Safety Management Program**

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Subsection 805.03(2)	3,000	15,000
Subsection 805.03(3)	3,000	15,000
Section 805.04	5,000	25,000

**Subpart 6 - Levels of Service**

Subsection 806.02(1)	5,000	25,000
Subsection 806.02(3)	5,000	25,000

**Subpart 7 - Aviation Occurrences**

Section 807.01	5,000	25,000
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**Part IX - Remotely Piloted Aircraft Systems**

Section 900.06	1,000	5,000
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**Subpart 1 - Small Remotely Piloted Aircraft**

Section 901.02	1,000	5,000
Section 901.03	1,000	5,000
Subsection 901.07(1)	1,000	5,000
Section 901.08	1,000	5,000
Section 901.09	1,000	5,000
Subsection 901.11(1)	1,000	5,000

Subsection 901.12(1)	1,000	5,000
Section 901.13	1,000	5,000
Subsection 901.14(1)	1,000	5,000
Subsection 901.14(2)	1,000	5,000
Section 901.15	1,000	5,000
Section 901.16	1,000	5,000
Section 901.17	1,000	5,000
Section 901.18	1,000	5,000
Subsection 901.19(1)	1,000	5,000
Subsection 901.19(2)	3,000	15,000
Subsection 901.20(1)	1,000	5,000
Subsection 901.20(2)	1,000	5,000
Subsection 901.20(3)	1,000	5,000
Subsection 901.20(4)	1,000	5,000
Section 901.21	1,000	5,000
Section 901.22	3,000	15,000
Subsection 901.23(1)	1,000	5,000
Subsection 901.23(3)	1,000	5,000
Subsection 901.23(4)	1,000	5,000
Section 901.24	1,000	5,000

Subsection 901.25(1)	1,000	5,000
Section 901.26	1,000	5,000
Section 901.27	1,000	5,000
Paragraph 901.28(a)	1,000	5,000
Paragraph 901.28(b)	1,000	5,000
Paragraph 901.28(c)	1,000	5,000
Section 901.29	1,000	5,000
Section 901.30	1,000	5,000
Section 901.31	1,000	5,000
Section 901.32	1,000	5,000
Section 901.33	1,000	5,000
Section 901.34	1,000	5,000
Subsection 901.35(1)	1,000	5,000
Subsection 901.35(2)	1,000	5,000
Section 901.36	1,000	5,000
Section 901.37	1,000	5,000
Section 901.38	1,000	5,000
Subsection 901.39(1)	1,000	5,000
Subsection 901.39(2)	1,000	5,000
Subsection 901.40(1)	1,000	5,000

Subsection 901.41(1)	1,000	5,000
Section 901.42	1,000	5,000
Subsection 901.43(1)	5,000	25,000
Section 901.44	1,000	5,000
Section 901.45	1,000	5,000
Subsection 901.46(1)	3,000	15,000
Subsection 901.47(1)	1,000	5,000
Subsection 901.47(2)	1,000	5,000
Subsection 901.47(3)	1,000	5,000
Subsection 901.48(1)	1,000	5,000
Subsection 901.48(2)	1,000	5,000
Subsection 901.48(3)	1,000	5,000
Subsection 901.49(1)	1,000	5,000
Subsection 901.49(2)	1,000	5,000
Subsection 901.54(1)	1,000	5,000
Subsection 901.56(1)	1,000	5,000
Subsection 901.56(2)	1,000	5,000
Section 901.57	1,000	5,000
Section 901.58	1,000	5,000
Subsection 901.63(1)	1,000	5,000



Subsection 901.65(1)	1,000	5,000
Subsection 901.65(2)	1,000	5,000
Section 901.66	1,000	5,000
Section 901.67	1,000	5,000
Subsection 901.69(1)	1,000	5,000
Section 901.70	1,000	5,000
Subsection 901.71(1)	1,000	5,000
Section 901.72	1,000	5,000
Section 901.73	1,000	5,000
Subsection 901.76(1)	3,000	15,000
Section 901.77	3,000	15,000
Section 901.78	3,000	15,000
Subsection 901.79(1)	3,000	15,000
Subsection 901.79(2)	3,000	15,000
Section 901.82	3,000	15,000
Section 901.84	1,000	5,000
Paragraph 901.86(a)	1,000	5,000
Paragraph 901.86(b)	1,000	5,000
Section 901.87	1,000	5,000

**Subpart 2 - Reserved**

**Subpart 3 - Special Flight Operations - Remotely Piloted Aircraft Systems**

Section 903.01	1,000	5,000
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**Part X - Greenhouse Gas Emissions from International Aviation - CORSIA**

Subsection 1000.10(1)	5,000	25,000
Subsection 1000.10(2)	5,000	25,000
Subsection 1000.10(3)	5,000	25,000
Subsection 1000.10(4)	5,000	25,000
Subsection 1000.12(1)	5,000	25,000
Subsection 1000.12(2)	5,000	25,000
Subsection 1000.12(4)	5,000	25,000
Subsection 1000.12(5)	5,000	25,000
Subsection 1000.13(1)	5,000	25,000
Subsection 1000.13(2)	5,000	25,000
Subsection 1000.13(3)	5,000	25,000
Subsection 1000.13(4)	5,000	25,000
Subsection 1000.13(5)	5,000	25,000
Section 1000.14	5,000	25,000
Subsection 1000.15(1)	5,000	25,000

Subsection 1000.15(2)	5,000	25,000
Subsection 1000.20(1)	5,000	25,000
Subsection 1000.20(3)	5,000	25,000
Section 1000.21	5,000	25,000
Paragraph 1000.30(1)(a)	5,000	25,000
Paragraph 1000.30(1)(b)	5,000	25,000
Subsection 1000.30(2)	5,000	25,000
Subsection 1000.30(3)	5,000	25,000
Paragraph 1000.31(1)(a)	5,000	25,000
Paragraph 1000.31(1)(b)	5,000	25,000
Subsection 1000.31(2)	5,000	25,000
Subsection 1000.31(3)	5,000	25,000
Subsection 1000.32(1)	5,000	25,000
Subsection 1000.35(1)	5,000	25,000
Subsection 1000.35(2)	5,000	25,000

[Effective 2021/06/06 - Previous Version Effective 2021/01/01][Effective 2021/01/01 - Previous Version Effective 2020/12/09][Effective 2020/12/09 - Previous Version Effective 2020/07/08][Effective 2020/07/08 - Previous Version Effective 2020/06/01][Effective 2020/06/01 - Previous Version Effective 2019/08/08][Effective 2019/08/08 - Previous Version Effective 2019/06/09][Effective 2019/06/09 - Previous Version Effective 2019/05/29][Effective 2019/05/29 - Previous Version Effective 2019/01/09][Effective 2019/01/09 - Previous Version Effective 2018/12/12][Effective 2018/12/12 - Previous Version Effective 2018/06/22][Effective 2018/06/22 - Previous Version Effective 2017/01/01][Effective 2017/01/01 - Previous Version Effective 2015/08/30][Effective 2015/08/30 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - Previous Version Effective 2015/06/21][Effective 2015/06/21 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 2012/07/04][Amended 2012/07/04 - Previous Version Dated 2011/12/31][Amended 2011/12/31 - Previous Version Dated 2011/01/21][Amended 2011/01/21 - Previous Version Dated 2010/11/10][Amended 2010/11/10 - Previous Version Dated 2010/02/02][Amended 2010/02/02 - Previous Version Dated 2009/12/01][Amended 2009/12/01 - Previous Version Dated 2009/06/10][Amended 2009/06/10 - Previous Version Dated 2007/12/30][Amended 2007/12/30 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated

2006/12/14][Amended 2006/12/14 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 2005/11/21][Amended 2005/11/21 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 2004/05/11][Amended 2004/05/11 - Previous Version Dated 1998/10/22][Amended 1998/10/22 - Previous Version Dated 1996/10/10]

[SOR/98-529, s. 1; SOR/2004-131, s. 5; SOR/2005-129, s. 1; SOR/2005-173, ss 3 to 6; SOR/2005-341, s. 1; SOR/2005-348, s. 2; SOR/2005-354, s. 1; SOR/2005-357, ss. 1, 2, 3(E); SOR/2006-77, ss. 2, 3; SOR/2006-85, s. 1; SOR/2006-86, s. 1; SOR/2006-199, ss. 2 to 10; SOR/2006-352, ss. 1 to 3; SOR/2007-87, ss. 2, 3; SOR/2007-133, ss. 2 to 5; SOR/2007-262, s. 1; SOR/2007-290, s. 3; SOR/2009-90, ss. 1, 2; SOR/2009-152, s. 1; SOR/2009-268, ss. 1 to 15; SOR/2009-280, ss. 2 to 4; SOR/2010-26, s. 1; SOR/2010-219, s. 1; SOR/2010-304, s. 1; SOR/2011-285, s. 2; SOR/2012-136, ss. 2 to 6; SOR/2014-131, s. 2; SOR/2015-84, s. 2; SOR/2015-127, ss. 2 to 10; SOR/2015-160, s. 3; SOR/2016-261, s. 1; SOR/2018-134, s. 1; SOR/2018-240, s. 1; SOR/2018-269, s. 3; SOR/2019-11, s. 4; SOR/2019-11, s. 5; SOR/2019-11, s. 6; SOR/2019-49, s. 2; SOR/2019-118, s. 2; SOR/2019-130, s. 2; SOR/2019-135, s. 1; SOR/2019-135, s. 2; SOR/2019-295, s. 1; SOR/2019-295, s. 2; SOR/2019-295, s. 3; SOR/2019-295, s. 4; SOR/2019-295, s. 5; SOR/2019-296, s. 2; SOR/2019-296, s. 3; SOR/2019-296, s. 4; SOR/2019-296, s. 5; SOR/2020-124, s. 1; SOR/2020-151, s. 2; SOR/2020-151, s. 3; SOR/2020-238, s. 1, SOR/2020-238, s. 2; SOR/2020-253, s. 2; SOR/2020-275, s. 1.]

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## Subpart 4 - Charges

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### 104.01 General

Subject to Section 104.03, the charge imposed in respect of the issuance, renewal, amendment or endorsement or, in the case of a medical certificate, the processing, on or after January 1, 1998 of a document referred to in column I of an item of Schedules I to VII to this Subpart is the charge set out in column II of the item.

[Amended 1998/01/01 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1.]

### 104.02

As provided by paragraph 4.4(2)(b) of the *Act*, if a document referred to in column I of an item of Schedules I to VII to this Subpart is not issued, renewed, amended or endorsed but action preparatory thereto has been carried out, the charge calculated in accordance with Section 104.01, 104.03 or 104.04 is payable.

[SOR/97-542, s. 1.]

### 104.03 Aeronautical Product Approvals

**(1)** Subject to subsection (2), the charge imposed in respect of the issuance, renewal, amendment or endorsement on or after January 1, 1998 of a document referred to in column I of items 1, 3, 4, 5, 7 and 8 of Schedule V, Aeronautical Product Approvals, to this Subpart is the amount calculated on the basis of \$40 per hour for each technical specialist assigned to the processing of the application, which amount shall not exceed the charge set out in column II of the item.

(2) If, at the request of the applicant, an application is processed by technical specialists who would not otherwise be available under Department of Transport policy to process the application and who are dedicated on an exclusive, priority basis to the application, the charge imposed in respect of the issuance, renewal, amendment or endorsement on or after January 1, 1998 of a document referred to in column I of items 1, 3, 4, 5, 7 and 8 of Schedule V, Aeronautical Product Approvals, to this Subpart is the amount calculated on the basis of \$120 per hour for each technical specialist assigned to the processing of the application.

[SOR/97-542, s. 1.]

#### **104.04 Processing of Applications Outside Canada**

(1) In addition to a charge referred to in Section 104.01 to 104.03, when an employee of the Department of Transport must travel outside Canada to process an application for the issuance, renewal, amendment or endorsement of a document, the following expenses that relate to the processing of the application are payable:

(a) transportation, lodging, meal and incidental expenses, as calculated in accordance with the rates set out in the National Joint Council Travel Directive; and

(b) overtime expenses, as calculated in accordance with the appropriate collective agreement, for performing the service or travelling to perform the service on weekdays, when the total duty time for the day exceeds 7.5 hours, and on Saturdays, Sundays and Canadian statutory holidays.

(2) The Minister shall, on request by an applicant, provide an estimate of the expenses referred to in subsection (1).

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1; SOR/2019-119, s. 3.]

#### **104.05 Payment**

Subject to Section 104.06, a charge imposed under this Subpart is payable in Canadian dollars at the time the service is commenced.

[SOR/97-542, s. 1.]

#### **104.06**

A charge is payable in Canadian dollars within 30 days after the date indicated on each invoice presented by the Minister for the service, in the case of a charge imposed in respect of

(a) the processing of medical certificates referred to in item 21 of Schedule IV to this

Subpart;

(b) aeronautical product approvals referred to in Section 104.03; and

(c) the expenses referred to in Section 104.04 in respect of the processing of applications outside Canada.

[Amended 2012/02/19 - Previous Version Dated 1998/01/01][Amended 1998/01/01 - No Previous Version]

[SOR/97-542, s. 1; SOR/2011-284, s. 1]

### 104.07 Transitional Provisions

(1) Subject to subsection (2), in the case of a service that was commenced but not completed before January 1, 1998, the charge imposed in respect of the issuance, renewal, amendment or endorsement or, in the case of a medical certificate, the processing of a document referred to in column I of an item of Schedules I to VII to this Subpart is the lesser of

(a) the charge payable under these Regulations, as they read immediately before January 1, 1998, and

(b) the charge set out in column II of the item.

(2) In the case of a service that was commenced but not completed before January 1, 1998, the charge imposed in respect of the issuance, renewal, amendment or endorsement of a document referred to in column I of items 1, 3, 4, 5, 7 and 8 of Schedule V, Aeronautical Product Approvals, to this Subpart is the greater of

(a) the charge payable under these Regulations, as they read immediately before January 1, 1998, and

(b) the amount calculated on the basis of \$40 per hour starting January 1, 1998 for each technical specialist assigned to the processing of the application, which amount shall not exceed the charge set out in column II of the item.

[SOR/97-542, s. 1.]

## Schedules I - VII

### Schedule I - General

(Sections 104.01 and 104.02 and subsection 104.07(1))

	Column I	Column II
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Item	Document or Preparatory Action in Respect of Which a Charge is Imposed	Charge (\$)
1.	Issuance of a ministerial exemption under subsection 5.9(2) of the <i>Aeronautics Act</i>	475
2.	Replacement of a mutilated, lost or destroyed Canadian aviation document	35
3.	Issuance, in response to a request by industry, of an evaluation or authorization of industry training products	690
4.	Provision of a response to a request by the public for aircraft history	55

[SOR/97-542, s. 1.]

### Schedule II - Aircraft Registration

(Sections 104.01 and 104.02 and subsection 104.07(1))

	Column I	Column II
Item	Document or Preparatory Action in Respect of Which a Charge is Imposed	Charge (\$)
1.	Reservation of a registration mark	45
2.	Issuance or reservation of a special registration mark	140
3.	Issuance of a certificate of registration, in respect of	
	(a) a provisional or temporary registration	65
	(b) a continuing registration	110
	(c) an amendment to a certificate, other than a change of address	65
	(d) a small remotely piloted aircraft registration	

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1; SOR/2019-11, s. 7.]

### Schedule III - Aircraft Leasing

*(Sections 104.01 and 104.02 and subsection 104.07(1))*

	<b>Column I</b>	<b>Column II</b>
<b>Item</b>	<b>Document or Preparatory Action in Respect of Which a Charge is Imposed</b>	<b>Charge (\$)</b>
1.	Issuance of an authorization permitting the operation of an aircraft as part of a leasing operation, to	
	<i>(a)</i> a Canadian air operator that leases a Canadian commercial aircraft from another Canadian air operator (CAR 203.02(1)(a))	520
	<i>(b)</i> a foreign air operator that leases a Canadian commercial aircraft from a Canadian air operator or Canadian aircraft manufacturer (CAR 203.02(1)(b) and (d))	1,200
	<i>(c)</i> a Canadian air operator that leases an aircraft that is registered in a foreign state (CAR 203.02(1)(c))	995

[SOR/97-542, s. 1.]

### Schedule IV - Personnel Licensing and Training

*(Sections 104.01 and 104.02 and subsection 104.07(1))*

	<b>Column I</b>	<b>Column II</b>
<b>Item</b>	<b>Document or Preparatory Action in Respect of Which a Charge is Imposed</b>	<b>Charge (\$)</b>



**CARs Deluxe - December 2021** (Publication Date December 31, 2021)

1.	Conduct, by an employee of the Department of Transport, of the writing or rewriting of an examination for a flight crew licence	105
2.	Conduct, by a person other than an employee of the Department of Transport, of the writing or rewriting of an examination for a flight crew licence	65
3.	Conduct of the writing or rewriting of a supplementary examination for a flight crew licence	35
4.	Conduct of the writing or rewriting of an examination for a flight crew permit, rating or endorsement, or for recency requirements	35
5.	Conduct, by an employee of the Department of Transport, of a flight test required under Part IV, VI or VII, including the endorsement of a rating	200
6.	Issuance of	
	(a) a private pilot licence - aeroplane or a private pilot licence - helicopter	55
	(b) a pilot licence - balloon or a pilot licence - glider	55
	(c) a pilot permit - ultra-light aeroplane or a pilot permit - gyroplane	55
	(d) a pilot permit - recreational	55
7.	Issuance of	
	(a) a commercial pilot licence	80
	(b) an airline transport pilot licence	100
8.	Issuance of a flight engineer licence	80
9.	Issuance of an air traffic controller licence	75
10.	Conduct, by an employee of the Department of Transport, of the	50

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	writing or rewriting of each technical examination for the issuance of an aircraft maintenance engineer licence	
11.	Conduct, by an employee of the Department of Transport, of the writing or rewriting of the Transport Canada regulatory requirements examination for the issuance of an aircraft maintenance engineer licence	100
12.	Issuance of an aircraft maintenance engineer licence	115
13.	Renewal of an aircraft maintenance engineer licence	40
14.	Issuance of a foreign licence validation certificate (CAR 401.07)	45
15.	Endorsement of a flight crew licence or permit with a rating, other than an endorsement referred to in item 5	30
16.	Endorsement of an aircraft maintenance engineer licence with an additional rating	30
17.	Issuance of a temporary licence, permit or medical certificate at the request of the applicant or holder	40
18.	Issuance of an extension to the validity period of an instrument rating, a flight instructor rating or a medical certificate	50
19.	Issuance of an approved training organization certificate to an organization providing aircraft maintenance engineer training (CAR 403.08)	1,000
20.	Approval of an aircraft maintenance engineer training course	
	(a) that is an additional course that will form part of the training to be provided under an approved training organization certificate	400
	(b) that is to be given on a one-time basis	400
21.	Processing, by an employee of the Department of Transport, of a	55

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	medical certificate in respect of a pilot licence or a pilot permit other than a student pilot permit	
22.	Conduct, by an employee of the Department of Transport, of a practical test (CAR 404.05)	200
23.	Issuance of a flight training unit operator certificate	600
24.	Reinstatement of a suspended flight training unit operator certificate or operations specification	75
25.	Approval of an amendment to a flight training unit operator certificate or to an operations specification	75
26.	Conduct of the taking or retaking of an examination for a pilot certificate - small remotely piloted aircraft (VLOS) - basic operations or a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations, or for recency requirements	10
27.	Conduct of the taking or retaking of an examination for a flight reviewer rating	50
28.	Issuance of a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations	25
29.	Endorsement of a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations with a flight reviewer rating	125

[Amended 2019/01/09 - Previous Version Dated 2004/09/30][Amended 2004/09/30 - Previous Version Dated 2000/07/15][Amended 2000/07/15 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1; SOR/2000-252, s. 1; SOR/2004-214, s. 1; SOR/2019-11, s. 8.]

**Schedule V - Aeronautical Product Approvals**

*(Sections 104.01 to 104.03 and 104.07)*

	<b>Column I</b>	<b>Column II</b>
<b>Item</b>	<b>Document or Preparatory Action in Respect of Which a Charge is Imposed</b>	<b>Charge (\$)</b>

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1.	Issuance of a type certificate for aeronautical products that are the responsibility of the Department of Transport, in respect of	
	(a) transport category aeroplane	504,680
	(b) transport category rotorcraft	196,560
	(c) very light aeroplanes	91,730
	(d) gliders and powered gliders	16,350
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	131,040
	(f) rotorcraft other than transport category rotorcraft	131,040
	(g) manned free balloons	17,365
	(h) airships	22,930
	(i) engines - turbine	347,255
	(j) engines - reciprocating	277,805
	(k) propellers	7,860
2.	Issuance of a type certificate following a Level 1 type design examination of aeronautical products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	2,455
	(b) transport category rotorcraft	2,455
	(c) very light aeroplanes	2,455
	(d) gliders and powered gliders	2,455

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	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	2,455
	(f) rotorcraft other than transport category rotorcraft	2,455
	(g) manned free balloons	1,500
	(h) airships	1,500
	(i) engines - turbine	2,455
	(j) engines - reciprocating	2,455
	(k) propellers	750
3.	Issuance of a type certificate following a Level 2 type design examination of aeronautical products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	185,160
	(b) transport category rotorcraft	144,000
	(c) very light aeroplanes	33,665
	(d) gliders and powered gliders	6,000
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	90,000
	(f) rotorcraft other than transport category rotorcraft	90,000
	(g) manned free balloons	6,372
	(h) airships	8,416
	(i) engines - turbine	19,800
	(j) engines - reciprocating	15,840

	(k) propellers	4,500
4.	Issuance of a type certificate following a Level 3 type design examination of aeronautical products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	231,450
	(b) transport category rotorcraft	180,000
	(c) very light aeroplanes	42,082
	(d) gliders and powered gliders	7,500
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	112,500
	(f) rotorcraft other than transport category rotorcraft	112,500
	(g) manned free balloons	7,965
	(h) airships	10,520
	(i) engines - turbine	24,750
	(j) engines - reciprocating	19,800
	(k) propellers	4,500
5.	Issuance of an amended type certificate to add derivative products that are the responsibility of the Department of Transport, in respect of	
	(a) transport category aeroplane	307,945
	(b) transport category rotorcraft	119,980
	(c) very light aeroplanes	55,990

	(d) gliders and powered gliders	9,980
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	79,985
	(f) rotorcraft other than transport category rotorcraft	79,985
	(g) manned free balloons	10,600
	(h) airships	13,995
	(i) engines - turbine	42,590
	(j) engines - reciprocating	34,070
	(k) propellers	4,800
6.	Issuance of an amended type certificate following a Level 1 type design examination to add derivative products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	2,455
	(b) transport category rotorcraft	2,455
	(c) very light aeroplanes	2,455
	(d) gliders and powered gliders	2,455
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	2,455
	(f) rotorcraft other than transport category rotorcraft	2,455
	(g) manned free balloons	1,500
	(h) airships	1,500

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	(i) engines - turbine	2,455
	(j) engines - reciprocating	2,455
	(k) propellers	750
7.	Issuance of an amended type certificate following a Level 2 type design examination to add derivative products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	113,020
	(b) transport category rotorcraft	87,896
	(c) very light aeroplanes	20,549
	(d) gliders and powered gliders	3,662
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	54,935
	(f) rotorcraft other than transport category rotorcraft	54,935
	(g) manned free balloons	3,890
	(h) airships	5,137
	(i) engines - turbine	12,086
	(j) engines - reciprocating	9,669
	(k) propellers	4,500
8.	Issuance of an amended type certificate following a Level 3 type design examination to add derivative products that are the responsibility of an airworthiness authority other than the Department of Transport, in respect of	
	(a) transport category aeroplane	141,275



	(b) transport category rotorcraft	109,870
	(c) very light aeroplanes	25,686
	(d) gliders and powered gliders	4,578
	(e) aeroplanes other than transport category aeroplane, very light aeroplanes, gliders and powered gliders	68,669
	(f) rotorcraft other than transport category rotorcraft	68,669
	(g) manned free balloons	4,862
	(h) airships	6,422
	(i) engines - turbine	15,107
	(j) engines - reciprocating	12,086
	(k) propellers	4,500
9.	Issuance of a <i>Canadian Technical Standard Order</i> (CAN-TSO) design approval for an appliance or part	700
10.	Issuance of an amended <i>Canadian Technical Standard Order</i> (CAN-TSO) design approval for an appliance or part	200
11.	Issuance of the following design approval documents to record a repair, a replacement part or a change to the type design for which the design was approved by an employee of the Department of Transport:	
	(a) a supplemental type certificate	1,900
	(b) a supplemental type certificate (single product serial number)	470
	(c) a supplemental type certificate (several product serial numbers)	600

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	(d) a part design approval	1,900
	(e) a repair design approval (repair design)	470
	(f) a repair design approval (repair process)	600
12.	Issuance of the following design approval documents to record a repair or a change to the type design for which the design was approved by a delegate of the Department of Transport:	
	(a) a supplemental type certificate (single product serial number)	220
	(b) a supplemental type certificate (several product serial numbers)	220
	(c) a repair design approval	220
13.	Issuance of the following amended design approval documents associated with a repair, a replacement part or a change to the type design for which the design was initially approved by an employee of the Department of Transport:	
	(a) a supplemental type certificate	200
	(b) a part design approval	200
	(c) a repair design approval	200
14.	Issuance of the following amended design approval documents associated with a repair or a change to the type design for which the design was initially approved by a delegate of the Department of Transport:	
	(a) a supplemental type certificate	180
	(b) a repair design approval	180

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1; SOR/2009-280, ss. 5 to 17.]

**Schedule VI - Maintenance and Manufacturing**

(Sections 104.01 and 104.02 and subsection 104.07(1))

	<b>Column I</b>	<b>Column II</b>
<b>Item</b>	<b>Document or Preparatory Action in Respect of Which a Charge is Imposed</b>	<b>Charge (\$)</b>
1.	Issuance of the following flight authorities by an employee of the Department of Transport:	
	(a) a certificate of airworthiness for an aircraft in the transport category, other than a certificate issued on importation of the aircraft	180
	(b) a certificate of airworthiness for an aircraft not in the transport category, other than a certificate issued on importation of the aircraft	125
	(c) a certificate of airworthiness for an aircraft in the transport category, issued on importation of the aircraft	1,260
	(d) a certificate of airworthiness for an aircraft not in the transport category, issued on importation of the aircraft	590
2.	Issuance of a special certificate of airworthiness	250
3.	Reinstatement of a suspended certificate of airworthiness	410
4.	Issuance of a flight permit in the following classifications:	
	(a) experimental	285
	(b) specific-purpose.	45
5.	Validation of a flight authority, in respect of	

	(a) a foreign aircraft, other than a foreign amateur-built aircraft, operating in Canada	100
	(b) a foreign amateur-built aircraft operating in Canada	25
6.	Approval of an amendment to the operations specifications set out in the flight authority in respect of an amateur-built aircraft	35
7.	Issuance of an export airworthiness certificate by an employee of the Department of Transport, in respect of	
	(a) transport category aeroplane and transport category rotorcraft	2,500
	(b) very light aeroplanes, airships and aeroplanes and rotorcraft other than transport category aeroplane and transport category rotorcraft	400
	(c) gliders, powered gliders and manned free balloons	200
8.	Issuance of a certificate of approval for a maintenance, manufacturing or distributing organization, in respect of organizations with the following number of technical employees (employees who are carrying out maintenance-, manufacturing- or distribution-related activities):	
	(a) three employees or fewer	300
	(b) more than three but fewer than 11 employees	1,200
	(c) more than 10 but fewer than 51 employees	4,920
	(d) 51 or more employees	6,090
9.	Reinstatement of a suspended certificate of approval for a maintenance, manufacturing or distributing organization, in respect of organizations with the following number of technical employees:	
	(a) three employees or fewer	150

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	(b) more than three but fewer than 11 employees	600
	(c) more than 10 but fewer than 51 employees	2,460
	(d) 51 or more employees	3,000
10.	Approval of an aircraft maintenance schedule, in respect of	
	(a) a large aircraft, a turbine- powered pressurized aircraft, a turbine-powered helicopter or an airship	1,400
	(b) any other aircraft	180
11.	Approval of an amendment to the tasks or intervals set out in an aircraft maintenance schedule other than an amendment requested by an employee of the Department of Transport	100
12.	Issuance of a restricted certification authority	250
13.	Issuance of a letter of initial acceptance to European <i>Joint Aviation Requirements</i> (JAR-145) maintenance organizations	1,200
14.	Issuance of a letter of renewal to European <i>Joint Aviation Requirements</i> (JAR-145) maintenance organizations	800
15.	Inspection, by an employee of the Department of Transport, of an amateur-built aircraft during construction	230

[SOR/97-542, s. 1.]

**Schedule VII - Air Operations**

(Sections 104.01 and 104.02 and subsection 104.07(1))

	Column I	Column II
Item	Document or Preparatory Action in Respect of Which a Charge is Imposed	Charge(\$)

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	<b>Special Flight Operations</b>	
1.	Issuance of a special flight operations certificate, in respect of	
	(a) a special aviation event with 10,000 or fewer spectators	50
	(b) a special aviation event with more than 10,000 spectators and 50,000 or fewer spectators	100
	(c) a special aviation event with more than 50,000 spectators	200
	(d) balloon operations with fare-paying passenger	475
2.	Issuance of a statement of aerobatic competency (Standard 623.06)	125
	<b>Private Operators</b>	
3. to 7.	Repealed  [SOR/2005-341, s. 2]	
	<b>Commercial Air Services</b>	
8.	Issuance of an air operator certificate, in respect of	
	(a) aerial work (CAR 702)	2,500
	(b) air taxi operations - VFR (CAR 703)	2,700
	(c) air taxi operations - IFR (CAR 703)	4,700
	(d) commuter operations (CAR 704)	8,000
	(e) airline operations - turbine-powered aircraft having 50 or more passenger seats (CAR 705)	30,000
	(f) other airline operations (CAR 705)	20,000
9.	Issuance of a Canadian foreign air operator certificate (CAR 701)	500

10.	Issuance of an amendment to an air operator certificate, other than an amendment to remove an authority, in respect of	
	(a) an air operator certificate - aerial work	450
	(b) the introduction of a new aircraft type - aerial work	500
	(c) an air operator certificate - air taxi operations - VFR	450
	(d) the introduction of a new aircraft type - air taxi operations - VFR	525
	(e) an air operator certificate - air taxi operations - IFR	450
	(f) the introduction of a new aircraft type - air taxi operations - IFR	525
	(g) an air operator certificate - commuter operations	775
	(h) the introduction of a new aircraft type - commuter operations	900
	(i) an air operator certificate or operations specifications - airline operations - turbine-powered aircraft having 50 or more passenger seats	1,000
	(j) an air operator certificate or operations specifications - other airline operations	1,000
	(k) the introduction of a new aircraft type - airline operations - turbine-powered aircraft having 50 or more passenger seats	20,000
	(l) the introduction of a new aircraft type - other airline operations	12,000
11.	Issuance of an amendment to a Canadian foreign air operator certificate	100
12.	Issuance of an amendment to the operations specifications in a Canadian foreign air operator certificate, other than to remove an	125

	authority	
13.	Reinstatement of a suspended air operator certificate or of operations specifications, other than in the case of a voluntary surrender of the certificate, in respect of	
	(a) aerial work	450
	(b) air taxi operations - VFR	450
	(c) air taxi operations - IFR	450
	(d) commuter operations	800
	(e) airline operations - turbine - powered aircraft having 50 or more passenger seats	800
	(f) other airline operations	800
14.	Issuance of an amendment to an air operator certificate or a Canadian foreign air operator certificate or to operations specifications to remove an authority	50
15.	Reinstatement of a Canadian foreign air operator certificate or of operations specifications, other than in the case of a voluntary surrender of the certificate	75
16.	Issuance of a ministerial authorization under Part VII, other than under Section 701.10	325
17.	Reinstatement of an air operator certificate or Canadian foreign air operator certificate that was voluntarily surrendered	50
18.	Printing of a copy of an air operator certificate for a non-holder of the certificate	50

[Amended 2005/11/15 - Previous Version Dated 2004/02/24][Amended 2004/02/24 - Previous Version Dated 1996/10/10]

[SOR/97-542, s. 1; SOR/2004-29, s. 1; SOR/2005-341, s. 2.]



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## Subpart 5 - Aerial Sightseeing Flights

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### 105.01

(1) In this Section, "aerial sightseeing flight" - means a flight carried out as part of a sightseeing operation or any other commercial flight in an aircraft conducted for the purpose of sightseeing from the air.

(2) No person shall conduct an aerial sightseeing flight, or any portion of an aerial sightseeing flight, in the control zone of the Québec/Jean Lesage International Airport unless the flight commences at that airport.

[Amended 1998/01/01- No previous Version]

[SOR/98-20, s. 1.]

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## Subpart 6 - Accountable Executive

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[Amended 2005/05/31 - No previous Version]

### 106.01 Application

This Subpart applies in respect of the following certificates:

- (a) an airport certificate issued under Section 302.03;
- (b) a flight training unit operator certificate issued under Section 406.11;
- (c) a manufacturer certificate issued under Section 561.03;
- (d) an approved maintenance organization (AMO) certificate issued under Section 573.02;
- (e) an air operator certificate issued under Section 702.07, 703.07, 704.07 or 705.07; and
- (f) an ATS operations certificate issued under Section 801.05.

[Amended 2008/01/01 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2005-348, s. 3; SOR/2007-290, s. 4.]

### 106.02 Appointment and Acceptance

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**(1)** The applicant for, or the holder of, a certificate referred to in Section 106.01 shall

- (a) appoint an individual as accountable executive to be responsible for operations or activities authorized under the certificate and accountable on their behalf for meeting the requirements of these Regulations;
- (b) notify the Minister of the name of the person appointed; and
- (c) ensure that the accountable executive submits to the Minister a signed statement that they accept the responsibilities of their position within 30 days after their appointment.

**(2)** No person shall be appointed under subsection (1) unless they have control of the financial and human resources that are necessary for the activities and operations authorized under the certificate.

[Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8.]

### **106.03 Accountability**

The responsibility and accountability of the accountable executive appointed under subsection 106.02(1) are not affected by the existence of

- (a) a person responsible for the maintenance control system appointed under paragraph 406.19(1)(a) or 706.03(1)(a);
- (b) a person responsible for maintenance appointed under paragraph 573.03(1)(a);
- (c) an operations manager referred to in Section 702.07, 703.07, 704.07 or 705.07; or
- (d) a maintenance manager referred to in Section 702.07, 703.07, 704.07 or 705.07.

[Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8.]

### **106.04 More than One Certificate**

If a certificate holder is the holder of more than one certificate referred to in Section 106.01, only one accountable executive shall be appointed under paragraph 106.02(1)(a) to be responsible for the operations or activities authorized under the certificates.

[Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2007-290, s. 5(F).]

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## Subpart 7 - Safety Management System Requirements

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[Amended 2005/05/31 - No previous Version]

### 107.01 Application

(1) This Subpart, except paragraph 107.03(g), applies to an applicant for, or a holder of, one of the following certificates:

(a) an approved maintenance organization (AMO) certificate issued under Section 573.02 authorizing the holder to perform maintenance on an aircraft operated under Subpart 5 of Part VII; or

(b) an air operator certificate issued under Section 705.07.

(2) This Subpart applies to an applicant for, or a holder of, one of the following certificates:

(a) an airport certificate issued under Section 302.03; and

(b) an ATS operations certificate issued under Section 801.05.

(3) This Subpart, except Sections 107.02 and 107.03, and the requirements set out in Subpart 4 of Part VI in respect of the safety management system apply to the holder of a private operator registration document.

[Amended 2014/05/29 - Previous Version Dated 2008/01/01][Amended 2008/01/01 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2007-290, s. 6; SOR/2014-131, s. 4.]

### 107.02 Establishing a Safety Management System

The applicant for, or the holder of, a certificate referred to in subsections 107.01(1) or (2) shall establish and maintain a safety management system.

[Amended 2014/05/29 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2014-131, s. 5.]

### 107.03 Safety Management System

A safety management system shall include

(a) a safety policy on which the system is based;

- (b) a process for setting goals for the improvement of aviation safety and for measuring the attainment of those goals;
- (c) a process for identifying hazards to aviation safety and for evaluating and managing the associated risks;
- (d) a process for ensuring that personnel are trained and competent to perform their duties;
- (e) a process for the internal reporting and analyzing of hazards, incidents and accidents and for taking corrective actions to prevent their recurrence;
- (f) a document containing all safety management system processes and a process for making personnel aware of their responsibilities with respect to them;
- (g) a quality assurance program;
- (h) a process for conducting periodic reviews or audits of the safety management system and reviews or audits, for cause, of the safety management system; and
- (i) any additional requirements for the safety management system that are prescribed under these Regulations.

[Amended 2008/01/01 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2007-290, s. 7; SOR/2019-119, s. 4(F).]

#### **107.04 Size**

A safety management system shall be adapted to the size, nature and complexity of the operations, activities, hazards and risks associated with the operations of the holder of a document referred to in Section 107.01.

[Amended 2014/05/29 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No previous Version]

[SOR/2005-173, s. 8; SOR/2014-131, s. 6.]

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## **Subpart 8 - Reserved**

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## **Subpart 9 - Aircraft Under an Agreement for Transfer of Functions and Duties in Accordance with Article 83 *Bis* of the**

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## Convention

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### 109.01 Canada as the State of the Operator

These Regulations apply to a foreign-registered aircraft operated by a Canadian operator and to persons performing any functions or duties in respect of the aircraft if the requirements set out in these Regulations are specifically included under the terms of an agreement in force between Canada and another contracting state in accordance with Article 83 *bis* of the Convention.

[SOR/2005-354, s. 2.]

### 109.02 Canada as the State of Registry

These Regulations do not apply to a Canadian aircraft operated by a foreign operator or to persons performing any functions or duties in respect of the aircraft if the requirements set out in these Regulations are specifically excluded under the terms of an agreement in force between Canada and another contracting state in accordance with Article 83 *bis* of the Convention.

[SOR/2005-354, s. 2.]

### 109.03 Surrender of Certificate of Airworthiness

**(1)** If the responsibility set out in Article 31 of the Convention to issue or to render valid a certificate of airworthiness for a Canadian aircraft is transferred to another contracting State in accordance with Article 83 *bis* of the Convention, the certificate of airworthiness for that aircraft shall cease to have effect upon commencement of the transfer.

**(2)** The registered owner of the aircraft shall surrender the certificate of airworthiness to the Minister within seven days after the day on which the registered owner receives a notice from the Minister informing the registered owner of the coming into force of an agreement entered into in accordance with Article 83 *bis* of the Convention.

[Effective 2014/11/28 - Previous Version Dated 2005/11/21]

[SOR/2005-354, s. 2; SOR/2014-286, s. 1.]

### 109.04 Reinstatement of the Certificate of Airworthiness

Upon termination of a transfer to another contracting state, in accordance with Article 83 *bis* of the Convention, of the responsibility to issue or to render valid a certificate of airworthiness for a Canadian aircraft as set out in Article 31 of the Convention, the Minister shall reinstate the certificate of airworthiness if the registered owner of the aircraft complies with the applicable

importation requirements specified in Section 507.07.

[SOR/2005-354, s. 2.]

### **109.05 Notice of Termination of Agreement**

If an agreement for the lease, charter or interchange of an aircraft or any similar arrangement, subject to an agreement in accordance with Article 83 *bis* of the Convention, is terminated on a date earlier than the date of expiration set out in the agreement or arrangement, the Canadian operator of the aircraft if it is a foreign-registered aircraft or the registered owner of the aircraft if it is a Canadian aircraft shall inform the Minister in writing of the actual date of termination within seven days of its occurrence.

[SOR/2005-354, s. 2.]

### **109.06 Third Party Operation in Canada**

If an aircraft that is subject to an agreement for the lease, charter or interchange of an aircraft or any similar arrangement is also subject to an agreement in accordance with Article 83 *bis* of the Convention to which Canada is not a party and is operated in Canada, any references in these Regulations to the “State of registry” with respect to the transferred responsibilities shall be interpreted to read “State of the operator”.

[SOR/2005-354, s. 2.]

### **109.07 Conflicting Provisions**

If Canada enters into an agreement in accordance with Article 83 *bis* of the Convention, the agreement and the provisions of this Subpart shall take precedence over any conflicting provisions of these Regulations.

[Effective 2014/11/28 - Previous Version Dated 2005/11/21]

[SOR/2005-354, s. 2; SOR/2014-286, s. 2.]

[Amended 2005/11/21 - No previous Version]

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## **Part III - Aerodromes, Airports and Heliports**

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[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 4]

### **300.01 Interpretation**

In this Part,

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"aerodrome standards and recommended practices publications" - means the following documents, namely,

- (a) *Procedures for the Certification of Aerodromes as Airports,*
- (b) *Aerodrome Standards and Recommended Practices,* and
- (c) *Heliport and Helideck Standards and Recommended Practices; (publications sur les normes et pratiques recommandées pour les aérodromes)*

"aeronautical information publications" - means the following documents, namely,

- (a) *Canada Air Pilot,*
- (b) *Canada Flight Supplement,*
- (c) *Water Aerodrome Supplement,* and
- (d) *A.I.P. Canada; (publications d'information aéronautique)*

"aircraft emergency" - means a situation that could result in damage to an aircraft at an airport or aerodrome or injury to the persons on board the aircraft; (*aéronef en état d'urgence*)

[Amended 2002/06/10 - No Previous Version]

"airport certificate" - means a certificate issued pursuant to Section 302.03; (*certificat d'aéroport*)

"airport operations manual" - means the manual referred to in Section 302.08 and includes any amendments to the manual that are approved pursuant to subsection 302.03(2); (*manuel d'exploitation d'aéroport*)

"airside" Repealed

[Repealed 2003/03/01 - Previous Version dated 1997/12/01][Amended 1997/12/01 - No Previous Version]

[SOR/2003-58, s. 1]

"closed marking" - means a cross-shaped marking that

- (a) has the form and, subject to subsection 301.04(4), the dimensions set out in Schedule I to Subpart 1, and
- (b) subject to subsection 301.04(8), is in a single contrasting colour, white on runways

and yellow on taxiways, that is visible from an aircraft flying at an altitude of 300 m (1,000 feet) above the marking; (*marque de zone fermée*)

"fixed" - in respect of a light, means having a constant luminous intensity when the light is observed from a fixed point; (*fixe*)

"marker" - means an object displayed above ground level for the purpose of indicating an obstacle or obstruction or delineating a boundary; (*balise*)

"marking" - means a symbol or group of symbols displayed on the surface of a movement area for the purpose of conveying aeronautical information; (*marque*)

"movement" - in respect of an aircraft, means a take-off or landing at an airport or aerodrome; (*mouvement*)

[Amended 2002/06/10 - No Previous Version]

"obstacle limitation surface" - Repealed

[Amended 2011/12/31 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 3]

"operator" - means the person in charge of an aerodrome, and includes an employee, agent or other authorized representative of that person; (*exploitant*)

"public way" - means any road, path or sidewalk maintained for the use of members of the public; (*voie publique*)

"*Water Aerodrome Supplement*" - means a publication concerning water aerodromes that is intended to be used to supplement enroute charts and the *Canada Air Pilot*. (*Supplément hydroaérodromes*)

[SOR/97-518, s. 1; SOR/2002-226, s. 1; SOR/2003-58, s. 1; SOR/2011-285, s. 3.]

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## Subpart 1 - Aerodromes

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### 301.01 Application

This Subpart applies in respect of all aerodromes except airports, heliports and military aerodromes.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 5.]



### 301.02 Inspection

The operator of an aerodrome shall, without charge, at the request of a Department of Transport inspector, allow the inspector access to aerodrome facilities and provide the equipment necessary to conduct an inspection of the aerodrome.

### 301.03 Registration

(1) Subject to subsection (2), where the operator of an aerodrome provides the Minister with information respecting the location, markings, lighting, use and operation of the aerodrome, the Minister shall register the aerodrome and publish the information in the *Canada Flight Supplement* or the *Water Aerodrome Supplement*, as applicable.

(2) The Minister may refuse to register an aerodrome where the operator of the aerodrome does not meet the requirements of Sections 301.05 to 301.09 or where using the aerodrome is likely to be hazardous to aviation safety and, in such a case, shall not publish information with respect to that aerodrome.

(3) The operator of an aerodrome registered pursuant to subsection (1) shall notify the Minister immediately after any change is made to the location, marking, lighting, use or operation of the aerodrome that affects the information published by the Minister pursuant to subsection (1).

(4) An aerodrome that is listed in the *Canada Flight Supplement* or the *Water Aerodrome Supplement* on the coming into force of this Subpart is deemed to be registered pursuant to subsection (1).

### 301.04 Markers and Markings

(1) When an aerodrome is closed permanently, the operator of the aerodrome shall remove all of the markers and markings installed at the aerodrome.

(2) The operator of an aerodrome, other than a water aerodrome, shall install red flags or red cones along the boundary of an unserviceable movement area.

(3) Subsections (4) to (8) do not apply in respect of any manoeuvring area or part thereof that is closed for 24 hours or less.

(4) Where a runway or part of a runway is closed, the operator of the aerodrome shall place closed markings, as set out in Schedule I to this Subpart, on the runway as follows:

(a) where the runway is greater than 1 220 m (4,000 feet) in length, a closed marking shall be located at each end of the closed runway or part thereof and additional closed markings

shall be located on the closed runway or part thereof at intervals not exceeding 300 m (1,000 feet);

(b) where the runway is greater than 450 m (1,500 feet) but not greater than 1 220 m (4,000 feet) in length, a closed marking of not less than one-half the dimensions set out in that Schedule shall be located at each end of the closed runway or part thereof and an additional closed marking of the same dimensions shall be located on the closed runway or part thereof at a point equidistant from the two markings; or

(c) where the runway is 450 m (1,500 feet) or less in length, a closed marking of not less than one-half the dimensions set out in that Schedule shall be located at each end of the closed runway or part thereof.

**(5)** Where a taxiway or part of a taxiway is closed, the operator of the aerodrome shall place on each end of the closed taxiway, or part thereof, a closed marking with the dimensions set out in Schedule I to this Subpart.

**(6)** Where a helicopter take-off and landing area at an aerodrome is closed, the operator of the aerodrome shall

(a) place a closed marking over the letter "H", where the letter "H" identifies the helicopter take-off and landing area, or, where no letter identifies the helicopter take-off and landing area, over the centre of the area; or

(b) comply with subsection (4), where the helicopter take-off and landing area is a runway.

**(7)** Where a manoeuvring area or part thereof is closed permanently, the operator of the aerodrome shall

(a) obliterate all of the markings that indicate that the manoeuvring area or part thereof is open; and

(b) subject to subsection (8), paint on the manoeuvring area or part thereof the markings required pursuant to subsections (4) to (6).

**(8)** Where the surface of a manoeuvring area or part thereof is snow-covered or otherwise unsuitable for painting or where the closure is not permanent, closed markings may be applied by means of a conspicuously coloured dye or may be constructed from a suitable conspicuously coloured material or product.

### **301.05 Warning Notices**

Where low-flying or taxiing aircraft at or in the vicinity of an aerodrome are likely to be hazardous to pedestrian or vehicular traffic, the operator of the aerodrome shall immediately

- (a) post notices warning of the hazard on any public way that is adjacent to the manoeuvring area; or
- (b) where such a public way is not owned or controlled by the operator, inform the authorities responsible for placing markings on the public way that there is a hazard.

### **301.06 Wind Direction Indicator**

**(1)** Except where the direction of the wind at an aerodrome can be determined by radio or other means such as smoke movement in the air or wind lines on water, the operator of the aerodrome shall install and maintain at the aerodrome a wind direction indicator that is

- (a) of a conspicuous colour or colours;
- (b) in the shape of a truncated cone;
- (c) visible from an aircraft flying at an altitude of 300 m (1,000 feet) above the wind direction indicator; and
- (d) illuminated when the aerodrome is used at night.

**(2)** When an aerodrome is closed permanently, the operator of the aerodrome shall immediately remove all of the wind direction indicators installed at the aerodrome.

### **301.07 Lighting**

**(1)** Subject to subsection (2), where a runway is used at night, the operator of the aerodrome shall indicate each side of the runway along its length with a line of fixed white lights that is visible in all directions from an aircraft in flight at a distance of not less than two nautical miles.

**(2)** Where it is not practical to provide at an aerodrome the fixed white lights referred to in subsection (1) for reasons such as the lack of an available electrical power source or insufficient air traffic, the operator of the aerodrome may, if a fixed white light is displayed at each end of the runway to indicate runway alignment, use white retro-reflective markers that are capable of reflecting aircraft lights and that are visible at a distance of not less than two nautical miles from an aircraft in flight that is aligned with the centre line of the runway.

**(3)** The lines of lights or retro-reflective markers required by subsection (1) or (2) shall be arranged so that

(a) the lines of lights or markers are parallel and of equal length and the transverse distance between the lines is equal to the runway width in use during the day;

(b) the distance between adjacent lights or markers in each line is the same and is not more than 60 m (200 feet);

(c) each line of lights or markers is not less than 420 m (1,377 feet) in length and contains no fewer than eight lights or markers; and

(d) each light or marker in a line of lights or markers is situated opposite to a light or marker in the line of lights or markers on the other side of the runway, so that a line connecting them forms a right angle to the centre line of the runway.

**(4)** Fixed white lights displayed at each end of a runway pursuant to subsection (2) shall be placed so that they are not likely to cause a hazard that could endanger persons or property.

**(5)** Where a taxiway is used at night, the operator of the aerodrome shall indicate each side of the taxiway with a line of fixed blue lights or blue retro-reflective markers placed so that the two lines of lights or markers are parallel and the distance between adjacent lights or markers in each line is not more than 60 m (200 feet).

**(6)** Where a manoeuvring area or part thereof or a heliport is closed, the operator of the aerodrome shall not operate the lights or keep the retro-reflective markers thereon, except as required for maintenance of the lights and markers.

**(7)** Where an aerodrome is used at night, the operator of the aerodrome shall indicate an unserviceable portion of the movement area with fixed red lights, red retro-reflective markers or floodlighting.

**(8)** Where an aircraft parking area at an aerodrome is used at night, the operator of the aerodrome shall indicate the boundary of the area with fixed blue lights or blue retro-reflective markers, placed at intervals not exceeding 60 m (200 feet), or with floodlighting.

**(9)** Subject to subsection (10), where a heliport is used at night for the take-off or landing of helicopters, the operator of the heliport shall illuminate the entire take-off and landing area with floodlights or

(a) where the take-off and landing area is rectangular, shall indicate the boundary with no fewer than eight fixed yellow lights, including one light at each corner, placed so that adjacent lights are not more than 13 m (42.5 feet) apart; or

(b) where the take-off and landing area is circular, shall indicate the boundary with no fewer than five fixed yellow lights placed so that adjacent lights are not more than 13 m (42.5 feet) apart.

**(10)** Where it is not practical to provide at a heliport the fixed yellow lights referred to in subsection (9) for reasons such as lack of an available electrical power source or insufficient air traffic, the operator of the heliport may use yellow retro-reflective markers that are capable of reflecting aircraft lights and that are visible at a distance of not less than two nautical miles from an aircraft in flight that is aligned with the approach path, if

(a) a light source is provided to show the location of the heliport; or

(b) where there is only one path for approach and departure, two lights are used to show the approach orientation.

**(11)** Where the lighting required by subsections (1), (2), (5) and (7) to (10) is operated by a radio-controlled system capable of activation from an aircraft, the system shall meet the requirements set out in Schedule II to this Subpart.

**(12)** The operator of an aerodrome may display flare pots to provide temporary lighting for the landing or take-off of aircraft.

### **301.08 Prohibitions**

No person shall

(a) walk, stand, drive a vehicle, park a vehicle or aircraft or cause an obstruction on the movement area of an aerodrome, except in accordance with permission given

(i) by the operator of the aerodrome, and

(ii) where applicable, by the appropriate air traffic control unit or flight service station;

(b) tow an aircraft on an active movement area at night unless the aircraft displays operating wingtip, tail and anti-collision lights or is illuminated by lights mounted on the towing vehicle and directed at the aircraft;

(c) park or otherwise leave an aircraft on an active manoeuvring area at night unless the aircraft displays operating wingtip, tail and anti-collision lights or is illuminated by lanterns suspended from the wingtips, tail and nose of the aircraft;

(d) operate any vessel, or cause any obstruction, on the surface of any part of a water area

of an aerodrome that is to be kept clear of obstructions in the interest of aviation safety, when ordered, by signal or otherwise, to leave or not to approach that area by the appropriate air traffic control unit or flight service station or by the operator of the aerodrome;

(e) knowingly remove, deface, extinguish or interfere with a marker, marking, light or signal that is used at an aerodrome for the purpose of air navigation, except in accordance with permission given

(i) by the operator of the aerodrome, and

(ii) where applicable, by the appropriate air traffic control unit or flight service station;

(f) at a place other than an aerodrome, knowingly display a marker, marking, light or signal that is likely to cause a person to believe that the place is an aerodrome;

(g) knowingly display at or in the vicinity of an aerodrome a marker, marking, sign, light or signal that is likely to be hazardous to aviation safety by causing glare or by causing confusion with or preventing clear visual perception of a marker, marking, sign, light or signal that is required under this Subpart;

(h) allow a bird or other animal that is owned by the person or that is in the person's custody or control to be unrestrained within the boundaries of an aerodrome except for the purpose of controlling other birds or animals at the aerodrome as permitted by the operator; or

(i) discharge a firearm within or into an aerodrome without the permission of the operator of the aerodrome.

### **301.09 Fire Prevention**

**(1)** Subject to subsection 301.07(12) and subsections (2) and (3), no person shall, while at an aerodrome, smoke or display an open flame

(a) on an apron;

(b) on an aircraft loading bridge or on a gallery or balcony that is contiguous to or that overhangs an apron; or

(c) in an area where smoking or the presence of an open flame is likely to create a fire hazard that could endanger persons or property.

**(2)** The operator of an aerodrome may, in writing, authorize maintenance or servicing operations on an apron that involve the use, production or potential development of an open flame or that involve the production or potential development of a spark where the operations are conducted in a manner that is not likely to create a fire hazard that could endanger persons or property.

**(3)** The operator of an aerodrome may permit smoking in an enclosed building or shelter located on an apron where such smoking is not likely to create a fire hazard that could endanger persons or property.

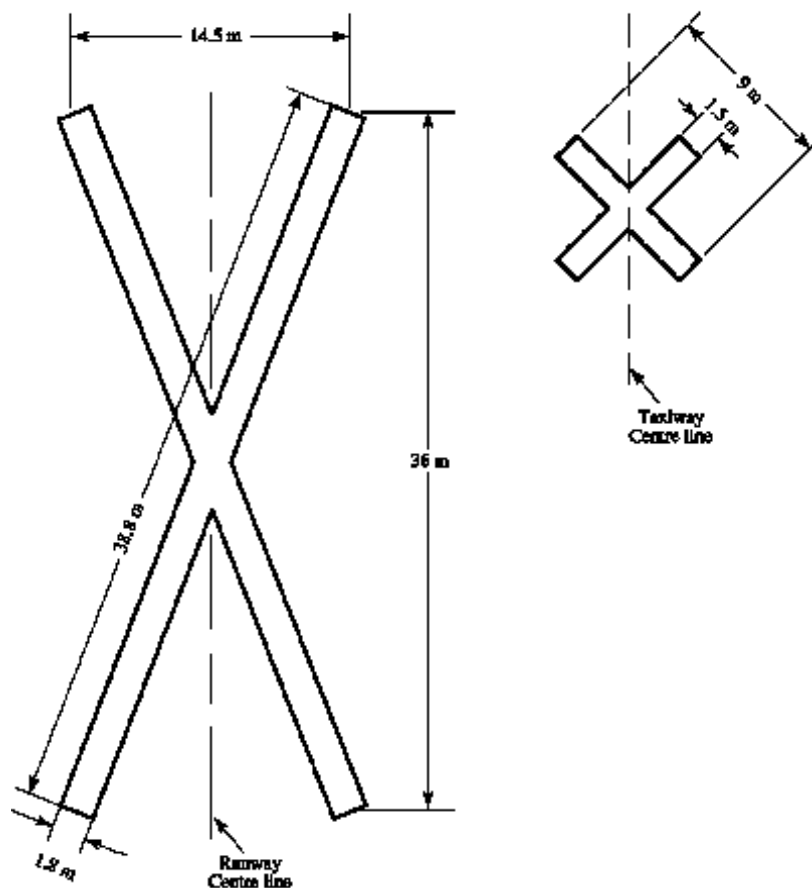
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### **Schedule I - Closed Markings**

(Section 300.01 and subsections 301.04(4) and (5))

**Closed Runway**

**Closed Taxiway**



**Schedule II - Intensity Settings for Lighting Systems Activated by Radio Control from Aircraft**

(Subsection 301.07(11))

		Selected Level of Intensity (percentage of rated output of fixture)	
Visual Aid System	Number of Intensity Settings	System Providing 3 Sections (type K)	Single Selection Systems (type J)



		<b>3 Clicks</b>	<b>5 Clicks</b>	<b>7 Clicks</b>	
Medium Intensity Approach Lighting: - Fixed Lights	3	4%	20%	100%	Note 1
- Capacitor Discharge Lights	3	OFF	OFF or 10%	100%	Note 1
Omni Directional Approach Lighting Systems (ODALS)	3	6%	30%	100%	30%
Low Intensity Approach Lighting	1	100%	100%	100%	100%
Runway Edge, Threshold and End Lighting: - Medium Intensity	3	10%	30%	100%	Note 2
- Low Intensity	1	100%	100%	100%	100%
Runway Identification Lights (RILS)	1	OFF	OFF or 30%	100%	Note 3
	1	OFF	OFF or 100%	100%	
Wind Direction Indicator	1	100%	100%	100%	100%
Aerodrome Beacon	1	100%	100%	100%	100%

**Note 1:**

*Medium intensity approach lighting shall not be controlled by a system employing only one intensity selection except for Omni Directional Approach Lighting Systems (ODALS).*

**Note 2:**

*These systems shall not be controlled by a system employing only one intensity selection.*

**Note 3:**

*These fixtures may be set at 10%, 100% or OFF.*

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## Subpart 2 - Airports

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[SOR/2007-87, s. 6]

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### Division I - General

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[Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 2]

### 302.01 Application

**(1)** Subject to subsection (2), this Subpart applies in respect of

- (a) an aerodrome that is located within the built-up area of a city or town;
- (b) a land aerodrome that is used by an air operator for the purpose of a scheduled service for the transport of passengers; and
- (c) any other aerodrome, other than an aerodrome referred to in subsection (2), in respect of which the Minister is of the opinion that meeting the requirements necessary for the issuance of an airport certificate would be in the public interest and would further the safe operation of the aerodrome.

**(2)** This Subpart does not apply in respect of

- (a) a military aerodrome;
- (b) a land aerodrome referred to in paragraph (1)(b) where the Minister has issued a

written authorization for each air operator using the aerodrome to land at and take-off from the aerodrome; or

(c) heliports.

**(3)** The Minister shall issue an authorization referred to in paragraph (2)(b) where it is possible to specify conditions in the authorization that will ensure a level of safety in respect of the use of the aerodrome that is equivalent to the level of safety established by this Subpart, and, in any such authorization, the Minister shall specify those conditions.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 7.]

### **302.02 Application for Airport Certificate**

**(1)** An applicant for an airport certificate shall submit to the Minister for approval

(a) an application for an airport certificate; and

(b) a copy of the proposed airport operations manual in respect of the airport.

**(1.1)** The applicant shall include in the application proof that the applicant has consulted with the interested parties in accordance with the requirements of Subpart 7.

**(2)** The application shall be signed in ink by the applicant and shall be in the form set out in the aerodrome standards and recommended practices publications.

[Amended 2017/01/01 - Previous Version Dated 1996/10/10]

[SOR/2016-261, s. 2.]

### **302.03 Issuance of Airport Certificate**

**(1)** Subject to subsection 6.71(1) of the *Act*, the Minister shall issue an airport certificate to an applicant authorizing the applicant to operate an aerodrome as an airport if the proposed airport operations manual, submitted pursuant to paragraph 302.02(1)(b), is approved by the Minister pursuant to subsection (2) and

(a) the standards set out in the aerodrome standards and recommended practices publications are met; or

(b) on the basis of an aeronautical study, the Minister determines that

(i) the level of safety at the aerodrome is equivalent to that provided for by the standards set out in the aerodrome standards and recommended practices

publications, and

(ii) the issuance of the airport certificate is in the public interest and not detrimental to aviation safety.

**(2)** The Minister shall approve a proposed airport operations manual if it

(a) accurately describes the physical specifications of the aerodrome; and

(b) conforms to the requirements set out in the aerodrome standards and recommended practices publications that apply in respect of an airport operations manual.

**(3)** Where an aerodrome does not meet a standard set out in the aerodrome standards and recommended practices publications, the Minister may specify in the airport certificate such conditions relating to the subject-matter of the standard as are necessary to ensure a level of safety equivalent to that established by the standard and as are necessary in the public interest and to ensure aviation safety.

### **302.04 Transfer of Airport Certificate**

**(1)** When an airport certificate is transferred, it shall be transferred in accordance with this Section.

**(2)** The Minister shall transfer an airport certificate to a transferee where

(a) the current holder of the airport certificate, at least 14 days before ceasing to operate the airport, notifies the Minister in writing that the current holder will cease to operate the airport as of the date specified in the notice;

(b) the current holder of the airport certificate notifies the Minister in writing of the name of the transferee;

(c) the transferee applies in writing to the Minister, within 14 days before the current holder ceases to operate the airport, for the airport certificate to be transferred to the transferee; and

(d) the requirements set out in Section 302.03 are met.

**(3)** An application referred to in paragraph (2)(c) shall include a copy of the notice referred to in paragraph (2)(a).

### **302.05 Interim Airport Certificate**

**(1)** The Minister may, by mail, telex or facsimile machine, issue to an applicant referred to in Section 302.03 or a transferee referred to in Section 302.04 an interim airport certificate authorizing the applicant or transferee to operate an aerodrome as an airport if the Minister is satisfied that

(a) an airport certificate in respect of the aerodrome will be issued to the applicant or transferred to the transferee as soon as the application procedure in respect of the issuance or transfer is completed; and

(b) the issuance of the interim airport certificate is in the public interest and not detrimental to aviation safety.

**(2)** An interim airport certificate issued pursuant to subsection (1) expires on the earlier of

(a) the date on which the airport certificate is issued or transferred, and

(b) the date specified in the interim airport certificate on which it will expire.

**(3)** Except for paragraph 302.02(1)(b), subsections 302.03(1) and (2) and Section 302.08, this Subpart applies in respect of an interim airport certificate in the same manner as it applies in respect of an airport certificate.

### **302.06 Amendment and Cancellation of Airport Certificate**

**(1)** The Minister may, if the requirements of Section 302.03 and paragraph 302.08(1)(c) are met, amend an airport certificate where

(a) there is a change in the use or operation of the airport;

(b) there is a change in the boundaries of the airport; or

(c) the holder of the airport certificate requests the amendment.

**(2)** The Minister shall cancel an airport certificate where this Subpart no longer applies in respect of the aerodrome referred to in the airport certificate, as determined in accordance with Section 302.01.

### **302.07 Obligations of Operator**

**(1)** The operator of an airport shall

(a) comply

(i) subject to subparagraph (ii), with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the airport certificate was issued,

(ii) in respect of any part or facility of the airport that has been replaced or improved, with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the part or facility was returned to service, and

(iii) with any conditions specified in the airport certificate by the Minister pursuant to subsection 302.03(3);

(b) without charge, at the request of a Department of Transport inspector, allow access to airport facilities and provide the equipment necessary to conduct an inspection of the airport;

(c) review each issue of each aeronautical information publication on receipt thereof and, immediately after such review, notify the Minister of any inaccurate information contained therein that pertains to the airport;

(d) notify the Minister in writing at least 14 days before any change to the airport, the airport facilities or the level of service at the airport that has been planned in advance and that is likely to affect the accuracy of the information contained in an aeronautical information publication;

(e) as the circumstances require for the purpose of ensuring aviation safety, inspect the airport

(i) as soon as practicable after any aviation occurrence, as that term is defined in Section 2 of the *Canadian Transportation Accident Investigation and Safety Board Act*,

(ii) during any period of construction or repair of the airport or of airport facilities that are designated in the airport certificate; and

(iii) at any other time when there are conditions at the airport that could be hazardous to aviation safety;

(f) subject to paragraph (d), notify the Minister in writing of any change in airport operations within 14 days after the date of the change; and

(g) assign duties on the movement area and any other area set aside for the safe operation

of aircraft, including obstacle limitation surfaces, at the airport, which are described in the airport operations manual, only to employees who have successfully completed a safety-related initial training course on human and organizational factors.

**(2)** Subject to subsection (3), the operator of an airport shall give to the Minister, and cause to be received at the appropriate air traffic control unit or flight service station, immediate notice of any of the following circumstances of which the operator has knowledge:

(a) any projection by an object through an obstacle limitation surface relating to the airport;

(b) the existence of any obstruction or hazardous condition affecting aviation safety at or in the vicinity of the airport;

(c) any reduction in the level of services at the airport that are set out in an aeronautical information publication;

(d) the closure of any part of the manoeuvring area of the airport; and

(e) any other conditions that could be hazardous to aviation safety at the airport and against which precautions are warranted.

**(3)** Where it is not feasible for an operator to cause notice of a circumstance referred to in subsection (2) to be received at the appropriate air traffic control unit or flight service station, the operator shall give immediate notice directly to the pilots who may be affected by that circumstance.

**(4)** The operator of an airport may remove from the surface of the airport any vehicle or other obstruction that is likely to be hazardous to aviation safety at or in the vicinity of the airport.

[Amended 2008/01/01 - Previous Version Dated 1996/10/10]

[SOR/2007-290, s. 8; SOR/2019-119, s. 6(F).]

### **302.08 Airport Operations Manual**

**(1)** The operator of an airport shall

(a) on the issuance of an airport certificate, provide the Minister with a copy of the airport operations manual, as approved by the Minister pursuant to subsection 302.03(2), and distribute copies of the applicable portions to the persons and institutions referred to in the airport operations manual;

(b) maintain the airport operations manual; and

(c) submit to the Minister for approval any proposed amendment to the airport operations manual.

**(2)** The provisions of this Subpart that apply in respect of the making of an airport operations manual also apply in respect of any amendment to an airport operations manual.

**(3)** An airport operations manual shall set out the standards to be met and the services to be provided by an airport operator.

**(4)** An airport operations manual shall contain

(a) a table of contents;

(b) any information relating to the administration of the airport, including

(i) a record of any amendments to the airport operations manual,

(ii) a list of holders of copies of the airport operations manual or of portions thereof,

(iii) a description of the procedure for amendment of the airport operations manual,

(iv) a description of the organizational structure and operational procedures of the airport management,

(v) an enumeration of the obligations of the operator referred to in Section 302.07,

(vi) an undertaking, signed by the operator, in respect of the operator's obligations under paragraphs 302.07(1)(c) and (d),

(vii) a statement, signed by the operator, certifying that the airport operations manual is complete and accurate, and that the operator agrees to comply with all of the conditions and specifications referred to therein,

(viii) a statement, signed by the Minister, that the Minister has approved the airport operations manual and any amendments thereto, and

(ix) a copy of any agreement or memorandum of understanding that affects the operation of the airport;

(c) all of the information necessary to verify that the airport meets the applicable standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the airport certificate was issued, and satisfies any conditions



specified by the Minister pursuant to subsection 302.03(3) in respect of

- (i) physical characteristics,
- (ii) obstacle limitation surfaces,
- (iii) declared distances,
- (iv) lighting,
- (v) markers,
- (vi) markings,
- (vii) signs,
- (viii) emergency response measures,
- (ix) airport safety measures,
- (x) access to the movement area and control procedures, and
- (xi) apron management plans and apron safety plans;

(d) an enumeration of the facilities and services provided and the measures in effect at the airport, including

- (i) movement area maintenance services,
- (ii) measures for the removal of disabled aircraft,
- (iii) air traffic services and aeronautical information and communication services,
- (iv) navigation aids, and
- (v) aviation weather services;

(e) a description of movement area services and facilities provided at the discretion of the operator; and

(f) with respect to the safety management system required under Section 107.02,

- (i) a description of the system's components specified in Section 302.502, and
- (ii) a list of the titles, dates and locations of any documents that are not in the airport

operations manual and that describe how the operator is meeting its obligations with respect to the safety management system.

**(5)** The operator of an airport shall operate the airport in accordance with the airport operations manual.

[Amended 2008/01/01 - Previous Version Dated 1996/10/10]

[SOR/2007-290, s. 9.]

### **302.09 Warning Notices**

Where low-flying or taxiing aircraft at or in the vicinity of an airport are likely to be hazardous to pedestrian or vehicular traffic, the operator of the airport shall immediately

(a) post notices warning of the hazard on any public way that is adjacent to the manoeuvring area; or

(b) where such a public way is not owned or controlled by the operator, inform the authorities responsible for posting notices on the public way that there is a hazard.

### **302.10 Prohibitions**

No person shall

(a) operate an aerodrome referred to in subsection 302.01(1) unless an airport certificate is issued in respect of that aerodrome;

(b) knowingly use an airport in a manner contrary to a condition set out in the airport certificate;

(c) walk, stand, drive a vehicle, park a vehicle or aircraft or cause an obstruction on the movement area of an airport, except in accordance with permission given

(i) by the operator of the airport, and

(ii) where applicable, by the appropriate air traffic control unit or flight service station;

(d) operate any vessel, or cause any obstruction, on the surface of any part of a water area of an airport that is to be kept clear of obstructions in the interest of aviation safety, when ordered, by signal or otherwise, to leave or not to approach that area by the appropriate air traffic control unit or flight service station or by the operator of the airport;

(e) tow an aircraft on an active movement area at night unless the aircraft displays

operating wingtip, tail and anti-collision lights or is illuminated by lights mounted on the towing vehicle and directed at the aircraft being towed;

(f) park or otherwise leave an aircraft on an active manoeuvring area at night unless the aircraft displays operating wingtip, tail and anti-collision lights or is illuminated by lanterns suspended from the wingtips, tail and nose of the aircraft;

(g) at an airport, knowingly remove, deface, extinguish or interfere with a marker, marking, light or signal that is used for the purpose of air navigation, except in accordance with permission given

(i) by the operator of the airport, and

(ii) where applicable, by the appropriate air traffic control unit or flight service station;

(h) at or in the vicinity of an airport, knowingly display a marker, marking, sign, light or signal that is likely to be hazardous to aviation safety by causing glare or by causing confusion with or preventing clear visual perception of a marker, marking, sign, light or signal that is required under this Subpart;

(i) allow a bird or other animal that is owned by the person or that is in the person's custody or control to be unrestrained within the boundaries of an airport, except for the purpose of controlling other birds or animals at the airport as permitted by the operator; or

(j) discharge a firearm within or into an airport without the permission of the operator of the airport.

### **302.11 Fire Prevention**

**(1)** Subject to subsections (2) to (4), no person shall, at an airport, smoke or display an open flame

(a) on an apron;

(b) on an aircraft loading bridge or on a gallery or balcony that is contiguous to or that overhangs an apron; or

(c) in an area where smoking or an open flame is likely to create a fire hazard that could endanger persons or property.

**(2)** The operator of an airport may display flare pots to provide temporary lighting for the

take-off or landing of aircraft.

**(3)** The operator of an airport may, in writing, authorize maintenance or servicing operations on an apron that involve the use, production or potential development of an open flame or that involve the production or potential development of a spark where the operations are conducted in a manner that is not likely to create a fire hazard that could endanger persons or property.

**(4)** The operator of an airport may permit smoking in an enclosed building or shelter located on an apron where such smoking is not likely to create a fire hazard that could endanger persons or property.

### **302.12 to 302.200 Reserved**

[Amended 2007/12/30 (In force on 2008/11/28) - Previous Version Dated 2006/05/05][Amended 2006/05/05 - No Previous Version]

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## **Division II - Airport Emergency Planning**

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[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

### **302.201 Interpretation**

The following definitions apply in this Division.

"community organization" - means an organization, corporation, department or public service. (*organisme communautaire*)

"emergency coordination centre" - means a designated area to be used in supporting and coordinating emergency operations and whose location is specified under paragraph 302.203(1)(r). (*centre de coordination des urgences*)

[Effective 2015/08/30 - Previous Version dated 2007/12/30 (In force on 2008/11/28)][Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

"full emergency standby" - means attendance at an emergency scene and preparedness to respond at the necessary level when an aircraft has, or may have, an operational problem that affects flight operations to the extent that there is a possibility of an accident. (*état d'alerte complet*)

"on-scene controller" - means the person identified in an airport emergency plan as being responsible for the overall coordination of the response at an emergency scene. (*coordonnateur sur place*)

"table top exercise" - means an exercise requiring the participation of the community organizations and other resources identified in an airport emergency plan to review and coordinate their respective roles, responsibilities and response actions without actually activating the plan. (*exercice en salle*)

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2; SOR/2015-160, s. 4]

## **Airport Emergency Plan**

### **302.202 General**

**(1)** After consultation with a representative sample of the air operators that use the airport and with community organizations that may be of assistance during emergency operations at the airport or in its vicinity, the operator of an airport shall develop and maintain an emergency plan for the purpose of identifying

(a) the emergencies that can reasonably be expected to occur at the airport or in its vicinity and that could be a threat to the safety of persons or to the operation of the airport;

(b) the measures to activate the emergency plan for each type of emergency;

(c) the community organizations capable of providing assistance in an emergency; and

(d) any additional resources available at the airport and in the surrounding area.

**(2)** The operator of an airport shall establish a degree of supervision and control that is necessary to manage the size and complexity of the emergencies referred to in paragraph (1)(a).

**(3)** The operator of an airport shall

(a) keep at the airport, in the format of a manual, a copy of an updated version of the emergency plan; and

(b) provide a copy to the Minister on request.

**(4)** The operator of an airport shall

(a) update the emergency plan as necessary to ensure its effectiveness in emergency operations; and

(b) review the emergency plan and make any required updates at least once a year after

consultation with a representative sample of the air operators that use the airport and the community organizations identified in the emergency plan.

[Effective 2019/06/14 - Previous Version Dated 2007/12/30][Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2; SOR/2019-119, s. 7; SOR/2021-152, s. 2(F).]

### **302.203 Content**

**(1)** In an emergency plan, the operator of an airport shall, at a minimum,

(a) identify the potential emergencies, including

(i) an aircraft accident or incident

(A) within the airport boundaries, and

(B) within a critical rescue and fire-fighting access area that extends 1000 m beyond the ends of a runway and 150 m at 90° outwards from the centreline of the runway, including any part of that area outside the airport boundaries,

(ii) an aircraft emergency declared by either air traffic services or a pilot,

(iii) a fuel spill that spreads at least 1.5 m in any direction or exceeds 12 mm in depth,

(iv) a medical emergency,

(v) a fire in which airport operations or passenger safety is threatened,

(vi) an emergency that is related to a special aviation event and that might have an impact on airport operations,

(vii) a natural disaster, and

(viii) any other emergency that is a threat or is likely to be a threat to the safety of persons or to the operation of the airport;

(b) identify the organizations at the airport and the community organizations that are capable of providing assistance during an emergency at an airport or in its vicinity, provide the telephone numbers and other contact information for each organization and describe the type of assistance each can provide;

(c) identify the other resources available at the airport and in the surrounding communities for use during emergency response or recovery operations and provide their telephone

numbers and other contact information;

(d) describe for emergency situations the lines of authority and the relationships between the organizations identified in the emergency plan and describe how actions will be coordinated among all and within each of the organizations;

(e) identify for emergency situations the supervisors and describe the responsibilities of each;

(f) specify the positions occupied by the airport personnel who will respond to an emergency and describe the specific emergency response duties of each;

(g) identify the on-scene controller and describe the controller's emergency response duties;

(h) provide authorization for a person to act as an on-scene controller or a supervisor if they are not airport personnel;

(i) set out the criteria to be used for positioning the on-scene controller within visual range of an emergency scene;

(j) set out the measures to be taken to make the on-scene controller easily identifiable at all times by all persons responding to an emergency;

(k) if initial on-scene control has been assumed by a person from a responding organization, describe the procedure for transferring control to the on-scene controller;

(l) describe any training and qualifications required for the on-scene controller and the airport personnel identified in the emergency plan;

(m) describe the method for recording any training provided to the on-scene controller and airport personnel;

(n) describe the communication procedures and specify the radio frequencies to be used to link the operator of the airport with

(i) the on-scene controller, and

(ii) the providers of ground traffic control services and air traffic control services at the airport;

(o) describe the communication procedures allowing the on-scene controller to

communicate with the organizations identified in the emergency plan;

(p) identify the alerting procedures that

(i) activate the emergency plan,

(ii) establish the necessary level of response,

(iii) allow immediate communication with the organizations identified in the emergency plan in accordance with the required level of response,

(iv) if applicable, confirm the dispatch of each responding organization,

(v) establish the use of standard terminology in communications, and

(vi) establish the use of the appropriate radio frequencies as set out in the emergency plan;

(q) specify

(i) the airport communication equipment testing procedures,

(ii) a schedule for the testing, and

(iii) the method of keeping records of the tests;

(r) for airports designated under Subpart 3, specify the location of the emergency coordination centre used to provide support to the on-scene controller;

(s) describe the measures for dealing with adverse climatic conditions and darkness for each potential emergency set out in paragraph (a);

(t) describe the procedures to assist persons who have been evacuated if their safety is threatened or airside operations are affected;

(u) describe the procedures respecting the review and confirmation of the following to permit the return of the airport to operational status after an emergency situation:

(i) emergency status reports,

(ii) coordination with the coroner and the investigator designated by the Transportation Safety Board of Canada regarding the accident site conditions,



- (iii) disabled aircraft removal,
- (iv) airside inspection results,
- (v) accident or incident site conditions, and
- (vi) air traffic services and NOTAM coordination;
- (v) describe the procedures for controlling vehicular flow during an emergency to ensure the safety of vehicles, aircraft and persons;
- (w) specify the procedures for issuing a NOTAM in the event of
  - (i) an emergency affecting the critical category for fire fighting required under Section 303.07, or
  - (ii) changes or restrictions in facilities or services at the airport during and after an emergency;
- (x) describe the procedures for preserving evidence as it relates to
  - (i) aircraft or aircraft part removal, and
  - (ii) the site of the accident or incident in accordance with the *Canadian Transportation Accident Investigation and Safety Board Act*;
- (y) describe the procedures to be followed, after any exercise set out in Section 302.208 or the activation of the plan for an emergency that requires a full emergency standby, in the following cases:
  - (i) a post-emergency debriefing session with all participating organizations,
  - (ii) the recording of the minutes of the debriefing session,
  - (iii) an evaluation of the effectiveness of the emergency plan to identify deficiencies,
  - (iv) changes, if any, to be made in the emergency plan, and
  - (v) partial testing subsequent to the modification of an emergency plan;
- (z) describe
  - (i) the process for an annual review and update of the emergency plan, and

(ii) the administrative procedure for the distribution of copies of an updated version of the emergency plan to the airport personnel who require them and to the community organizations identified in the plan; and

(z.1) describe the procedures to assist in locating an aircraft when the airport receives notification that an ELT has been activated.

**(2)** The operator of an airport shall include a copy of the following documents in the emergency plan:

(a) the signed agreements, if any, between the airport operator and the community organizations that provide emergency response services to the airport; and

(b) an airport grid map.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2.]

### **302.204 On-scene Controller**

The on-scene controller shall be at the emergency site and shall not have other duties during an emergency, unless the life of a person is in danger nearby and the on-scene controller is alone and has the ability to assist the person.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2.]

### **302.205**

The operator of an airport shall establish procedures that make the on-scene controller easily identifiable by all persons responding to an emergency.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2.]

### **302.206 Aircraft Crash Charts and Airport Grid Maps**

**(1)** For aircraft operating in a passenger or cargo configuration, the operator of an airport shall make available to the emergency coordination centre aircraft crash charts specific to the aircraft used by the air operators that use the airport, and shall provide copies of the charts to

(a) the organizations responsible for fire-fighting services that are identified in the emergency plan; and

(b) the on-scene controller.

**(2)** In the case of aircraft that have or may have a seating configuration of not more than nine passenger seats, the operator of an airport may use, instead of the aircraft crash charts referred to in subsection (1), other documents containing equivalent information.

**(3)** The operator of an airport shall develop and review and update annually, if necessary, an airport grid map that includes a minimum of

(a) an area covering at least one kilometre around each runway;

(b) the airport access roads and gates; and

(c) the location of rendezvous points to which persons and vehicles that are responding to an emergency situation proceed in order to receive instructions.

**(4)** The operator of an airport shall provide copies of the airport grid map to the airport personnel who must have one and the organizations identified in the emergency plan.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2; SOR/2015-160, s. 5(F).]

### **302.207 Personnel and Training**

**(1)** The operator of an airport shall assign specific emergency response duties, other than those of an on-scene controller or a supervisor, only to those airport personnel who are identified in the emergency plan and who

(a) are knowledgeable of their duties as described in the plan; and

(b) have the skills to carry out their duties.

**(2)** The operator of an airport shall assign to act as an on-scene controller or a supervisor only those airport personnel, or other persons authorized by the operator in the emergency plan, who are

(a) knowledgeable about the contents of the emergency plan;

(b) familiar with the procedures for the overall coordination of emergency operations at an emergency site; and

(c) trained for the particular role that they perform.

**(3)** The operator of an airport shall

(a) keep records of the training that was received by persons to meet the requirements of subsections (1) and (2);

(b) preserve the records of training for three years after the day on which the training was received; and

(c) submit a copy of the training records to the Minister on request.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2; SOR/2015-160, s. 6(F); SOR/2019-119, s. 8(F).]

### **302.208 Testing of the Emergency Plan**

**(1)** In this Section, "international service" has the same meaning as in subsection 55(1) of the *Canada Transportation Act*.

**(2)** The operator of an airport shall test the emergency plan by conducting a full-scale exercise

(a) for the airports designated by the Minister in the *Canada Flight Supplement* to be used by international service, at intervals not exceeding two years; and

(b) for other airports, at intervals not exceeding four years.

**(3)** The operator of an airport shall conduct full-scale exercises based on scenarios that relate to a major aircraft accident and, at a minimum, the exercises shall include the assembly and deployment of fire-fighting, policing and medical services organizations.

**(4)** The operator of an airport shall conduct a table top exercise each year in which no full-scale exercise is conducted.

**(5)** The operator of an airport, when conducting a table top exercise, shall have

(a) an up-to-date list of the participants and their telephone numbers and the radio frequencies used to communicate;

(b) fully operational communication equipment; and

(c) a copy of the airport grid map.

**(6)** The operator of an airport shall base the table top exercise on scenarios that include an aircraft accident or incident.

**(7)** The operator of an airport shall provide the Minister with a notice in writing of the date and time when a table top or full-scale exercise is to be carried out at least 60 days before the day of the exercise.

**(8)** The Minister may observe the testing of an emergency plan.

**(9)** After each exercise, the operator of an airport shall conduct a debriefing with all the organizations identified in the plan and a representative of the airport personnel who participated to evaluate the effectiveness of the emergency plan and identify deficiencies.

**(10)** The operator of an airport shall implement an action plan to correct any deficiencies in the emergency plan that were identified during a debriefing session.

**(11)** The operator of an airport shall conduct partial exercises to assess proposed changes in the plan in order to correct deficiencies.

**(12)** The operator of an airport shall record

(a) the date of an exercise;

(b) the type of exercise;

(c) the minutes of the debriefing session after the exercise; and

(d) any action plans to correct deficiencies that were identified during a debriefing session.

**(13)** The operator of an airport shall keep an exercise record for 10 years after the day on which the record is made.

**(14)** The operator of an airport shall submit debriefing minutes and corrective action plans relating to an exercise to the Minister on request.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2.]

### **302.209 Authorization**

The Minister may, on application by the operator of an airport, provide to the operator written authorization not to conduct the full-scale exercise during an interval set out in paragraph 302.208(2)(a) or (b) if the operator demonstrates that the testing requirements for a full-scale exercise have been met through an activation of the emergency plan in response to an emergency during that interval.

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

[SOR/2007-262, s. 2.]

### **302.210 to 302.300 Reserved**

[Amended 2007/12/30 (In force on 2008/11/28) - No Previous Version]

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## **Division III - Airport Wildlife Planning and Management**

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[Amended 2006/05/05 - No Previous Version]

### **302.301 Interpretation**

In this Division,

"waste disposal facility" - means a landfill site, garbage dump, waste transfer and sorting facility, recycling and composting facility or commercial fish processing plant; (*installation d'élimination des déchets*)

"wildlife strike" - means a collision between an aircraft and wildlife. (*impact faunique*)

[Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 3.]

### **302.302 Application**

**(1)** Subject to subsection (2), this Division applies to airports

(a) that, within the preceding calendar year, had 2 800 movements of commercial passenger-carrying aircraft operating under Subpart 4 or 5 of Part VII;

(b) that are located within a built-up area;

(c) that have a waste disposal facility within 15 km of the geometric centre of the airport;

(d) that had an incident where a turbine-powered aircraft collided with wildlife other than a bird and suffered damage, collided with more than one bird or ingested a bird through an engine; or

(e) where the presence of wildlife hazards, including those referred to in Section 322.302 of the *Airport Standards - Airport Wildlife Planning and Management*, has been observed in an airport flight pattern or movement area.

**(2)** Section 302.303 applies to all airports.

[Amended 2006/05/05 - No Previous Version]

### **302.303 Wildlife Strikes**

- (1)** The operator of an airport shall keep records of all wildlife strikes at the airport, including those reported by
- (a) pilots;
  - (b) ground personnel; and
  - (c) aircraft maintenance personnel when they identify damage to an aircraft as having been caused by a wildlife strike.
- (2)** Wildlife remains that are found within 200 feet of a runway or an airside pavement area are presumed to be the result of a wildlife strike unless another cause of death is identified.
- (3)** The operator of the airport shall submit a written and dated report to the Minister
- (a) for each wildlife strike, within 30 days of its occurrence; or
  - (b) for all wildlife strikes that occur in a calendar year, before March 1 of the following calendar year.

[Effective 2015/08/30 - Previous Version dated 2006/05/05][Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 3; SOR/2015-160, s. 8]

### **302.304 Risk Analysis**

- (1)** The operator of an airport shall collect information in respect of the requirements set out in Section 322.304 of the *Airport Standards - Airport Wildlife Planning and Management*.
- (2)** The operator of the airport shall, after consultation with a representative sample of the operators in respect of an aircraft, air operator and private operators that use the airport, conduct a risk analysis that evaluates the collected information.
- (3)** The risk analysis shall be in writing and include
- (a) an analysis of the risks associated with the wildlife hazards, including those referred to in Section 322.302 of the *Airport Standards - Airport Wildlife Planning and Management*; and
  - (b) the measures that are necessary to manage or remove the hazards or to manage or mitigate the risks.

**(4)** The operator of the airport shall, at the request of the Minister, make the risk analysis available for inspection.

[Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 3.]

## **Airport Wildlife Management Plan**

### **302.305 General**

**(1)** The operator of an airport shall establish and maintain an airport wildlife management plan in accordance with Section 322.305 of Standard 322 - Airports.

**(2)** The operator of the airport shall submit the plan to the Minister, on request by the Minister, in accordance with the requirements set out in subsection 322.305(2) of the *Airport Standards Wildlife Planning and Management*.

**(3)** The operator of the airport shall keep a copy of the plan at the airport and it shall, on request by the Minister, be made available to the Minister.

**(4)** Repealed.

**(5)** The operator of the airport shall review the plan every two years.

**(6)** The operator of the airport shall amend the plan and submit the amended plan to the Minister within 30 days of the amendment if

(a) the amendment is necessary as a result of the review conducted under subsection (5);

(b) an incident has occurred in which a turbine-powered aircraft collided with wildlife other than a bird and suffered damage, collided with more than one bird or ingested a bird through an engine;

(c) a variation in the presence of wildlife hazards, including those referred to in Section 322.302 of the *Airport Standards Wildlife Planning and Management*, has been observed in an airport flight pattern or movement area; or

(d) there has been a change

(i) in the wildlife management procedures or in the methods used to manage or mitigate wildlife hazards,

(ii) in the types of aircraft at the airport, or



(iii) in the types of aircraft operations at the airport.

[Effective 2019/08/08 - Previous Version Dated 2006/05/05][Amended 2006/05/05 - No Previous Version][Subsections 302.305(2) to (6) come into force on 2006/12/30]

[SOR/2006-85, s. 3; SOR/2019-295, s. 6.]

### **302.306 Content**

An airport wildlife management plan shall

(a) identify and describe the risks associated with all wildlife hazards, including those referred to in Section 322.302 of the *Airport Standards - Airport Wildlife Planning and Management*, at or near the airport that might affect the safe operation of aircraft, including the proximity of any waste disposal facility or migration route affecting wildlife populations near the airport;

(b) specify the particular measures that are used by the operator of the airport to manage or mitigate the risks;

(c) identify and describe the actions that are used by the operator of the airport to satisfy the requirements set out in Section 322.306 of the *Airport Standards - Airport Wildlife Planning and Management* in respect of firearm certificates and permits, wildlife control permits, wildlife strikes, wildlife management logs, and evaluations of habitats, land uses and food sources at or near the airport;

(d) set out a policy for the management of airport habitats that might attract wildlife;

(e) set out a policy that prohibits the feeding of wildlife and the exposure of food wastes;

(f) set out a procedure to ensure that all endangered or protected wildlife at the airport are inventoried;

(g) identify the role of the personnel and agencies involved in wildlife management issues and provide the contact numbers for each; and

(h) provide details of any wildlife hazard awareness program.

[Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 3.]

### **302.307 Training**

**(1)** The operator of an airport shall

(a) provide any person who has duties in respect of the airport wildlife management plan with training at least once every five years regarding their assigned duties and the matters set out in Section 322.307 of the *Airport Standards - Airport Wildlife Planning and Management*; and

(b) ensure that any person who has duties in respect of the airport wildlife management plan holds any required firearm permit.

**(2)** The operator of the airport shall maintain a record of each person's training for a period of five years and provide the Minister with a copy of any record, if requested.

[Effective 2015/08/30 - Previous Version dated 2006/12/30][Amended 2006/12/30 - No Previous Version]

[SOR/2006-85, s. 3; SOR/2015-160, s. 9]

### **302.308 Communication and Alerting Procedure**

The operator of an airport shall establish a communication and alerting procedure for wildlife management personnel in accordance with Section 322.308 of the *Airport Standards - Airport Wildlife Planning and Management* to alert pilots as soon as possible of the wildlife hazards at the airport and the risks associated with those hazards.

[Amended 2006/05/05 - No Previous Version]

[SOR/2006-85, s. 3.]

### **302.309 to 302.400 Reserved**

[Amended 2006/05/05 - No Previous Version]

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## **Division IV - Airport Winter Maintenance**

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[SOR/2007-290, s. 10]

### **302.401 Interpretation**

The following definitions apply in this Division.

"AMSCR" or "Aircraft Movement Surface Condition Report" - means a report that details the surface conditions of all movement areas at an airport, including runways and taxiways. (*AMSCR ou compte rendu de l'état de la surface pour les mouvements d'aéronefs*)

"contaminant" - means material that collects on a surface, including standing water, snow, slush, compacted snow, ice, frost, sand, and ice control chemicals. (*contaminant*)

"CRFI" or "Canadian Runway Friction Index" - means the average of the friction measurements taken on runway surfaces on which freezing or frozen contaminants are present. (*CRFI ou coefficient canadien de frottement sur piste*)

"dry snow" - means snow that does not contain sufficient water to allow the crystals to stick together or bond to a surface. (*neige sèche*)

"ice control chemicals" - means chemicals used to prevent ice formation, to prevent ice from bonding to a surface, or to break up or melt ice on a surface. (*produits chimiques de déglçage*)

"priority 1 area" - means an airside area that, based on prevailing winds or operational requirements, is necessary to maintain the operational capability of an airport, and includes the features referred to in paragraph 322.411(1)(a) of the Airport Standards - Airport Winter Maintenance. (*zone de priorité 1*)

"priority 2 area" - means an airside area that is necessary to provide additional runway availability should wind conditions or operational requirements change, and includes the features referred to in paragraph 322.411(1)(b) of the Airport Standards - Airport Winter Maintenance. (*zone de priorité 2*)

"priority 3 area" - means an airside area that is not a priority 1 area or priority 2 area, and includes the features referred to in paragraph 322.411(1)(c) of the Airport Standards - Airport Winter Maintenance. (*zone de priorité 3*)

"sand" - means small particles of crushed angular mineral aggregates or natural sand material used to improve runway surface friction levels. (*sable*)

"slush" - means partially melted snow or ice, with a high water content, from which water readily flows. (*neige fondante*)

"wet snow" - means snow that will stick together when compressed but will not readily allow water to flow from it if squeezed. (*neige mouillée*)

[SOR/2019-118, s. 3]

### **302.402 Application**

**(1)** Subject to paragraph (2)(b), Sections 302.406 and 302.407 apply in respect of an airport if aeroplanes at the airport are operated in an air transport service under Subpart 3 of Part VII.

**(2)** Sections 302.410 to 302.419 apply in respect of an airport if

(a) aeroplanes at the airport are operated in an air transport service under Subpart 4 or 5 of Part VII; or

(b) aeroplanes at the airport are operated in an air transport service under Subpart 3 of Part VII and the operator of the airport has decided to comply with those sections instead of Sections 302.406 and 302.407.

[SOR/2019-118, s. 3]

### **302.403 Notification**

The operator of an airport referred to in paragraph 302.402(2)(b) shall

(a) provide the Minister, at least 60 days before implementing a decision to comply with Sections 302.410 to 302.419 instead of Sections 302.406 and 302.407, with notice in writing of that decision;

(b) provide the Minister, at least 60 days before implementing a decision to resume complying with Sections 302.406 and 302.407, with notice in writing of that decision; and

(c) notify the air operators that use the airport, and the air navigation services provider, of any change in the level of service provided at the airport as a result of a decision referred to in paragraph (a) or (b).

[SOR/2019-118, s. 3]

### **302.404 and 302.405 Reserved**

### **302.406 Winter Maintenance Measures**

**(1)** Each year, before the start of winter maintenance operations, the operator of an airport shall

(a) consult a representative sample of the air operators that use the airport about the intended level of winter maintenance and keep a record of the consultations;

(b) provide the aeronautical information publications provider with information, for publication in the *Canada Flight Supplement*, about the level of winter maintenance; and

(c) include information in the airport operations manual about the level of winter maintenance.

**(2)** The operator of the airport shall use AMSCRs to report the surface conditions of all movement areas, and shall forward the AMSCRs to the air navigation services provider.

[SOR/2019-118, s. 3]

### **302.407 Ice Control Chemicals and Sand**

- (1)** The operator of an airport shall, on movement areas, use only
- (a) the ice control chemicals specified in subsection 322.415(1) of the Airport Standards - Airport Winter Maintenance; and
  - (b) sand that meets the requirements specified in subsection 322.415(2) of the Airport Standards - Airport Winter Maintenance.
- (2)** The operator of the airport shall remove sand from movement areas, with the exception of gravel runways, as soon as
- (a) the sand is no longer required to provide more friction for aircraft and service vehicles; and
  - (b) there are no higher operational priorities.

[SOR/2019-118, s. 3]

### **302.408 to 302.409 Reserved**

### **302.410 Airport Winter Maintenance Plan**

- (1)** The operator of an airport shall have an airport winter maintenance plan that
- (a) was developed by the operator after consultations with a representative sample of the air operators that use the airport; and
  - (b) includes the items required under Section 302.411.
- (2)** The operator of the airport shall review its airport winter maintenance plan at least once a year as well as each time the operator does not clear a priority area in accordance with the plan.
- (3)** If the operator of the airport determines, as a result of a review, that its airport winter maintenance plan should be amended, the operator shall consult a representative sample of the air operators that use the airport before amending the plan.
- (4)** The operator of the airport shall keep at the airport
- (a) an up-to-date copy of its airport winter maintenance plan;

(b) a record of all consultations required under this section; and

(c) a record of each review required under this section.

[SOR/2019-118, s. 3]

### **302.411 Content**

An airport winter maintenance plan shall include

(a) procedures for identifying which airside areas are priority 1 areas, priority 2 areas or priority 3 areas during winter storm conditions;

(b) a description of the winter maintenance operations to be carried out in an airside area once it is identified as a priority 1 area, priority 2 area or priority 3 area;

(c) communication procedures that meet the requirements of subsection 322.411(2) of the Airport Standards - Airport Winter Maintenance;

(d) procedures for publishing a NOTAM in the event of winter conditions that might be hazardous to aircraft operations or affect the use of movement areas and facilities used to provide services relating to aeronautics;

(e) safety procedures for controlling the flow of ground vehicles during winter maintenance operations to ensure the safety of persons, vehicles and aircraft;

(f) procedures for minimizing the risk of ice control chemicals - other than the ice control chemicals specified in subsection 322.415(1) of the Airport Standards - Airport Winter Maintenance - being tracked onto an airside area;

(g) a description of the lines of authority and organizational relationships with respect to winter maintenance, including contact names and telephone numbers;

(h) a description of how actions undertaken as part of winter maintenance will be coordinated;

(i) a description of the arrangements for snow clearance;

(j) a description of the process for reviewing and amending the plan;

(k) a description of the administrative procedure for distributing the plan and its amendments; and

(l) a list of all agreements respecting the provision of winter maintenance services for

navigation aids at the airport, and signed copies of those agreements.

[SOR/2019-118, s. 3]

### **302.412 Removal of Contaminants from Priority Areas**

**(1)** The operator of an airport who decides to operate the airport during winter storm conditions shall remove contaminants

(a) from priority 1 areas;

(b) from priority 2 areas to the extent that doing so does not compromise the operator's ability to keep priority 1 areas operational; and

(c) from priority 3 areas after the winter storm conditions have ended.

**(2)** If the operator of the airport does not remove contaminants from a priority area in accordance with its airport winter maintenance plan, the operator shall make a record of that fact and the surrounding circumstances.

**(3)** The operator of the airport shall keep the record for two years after the day on which the operator was required to remove the contaminants.

[SOR/2019-118, s. 3]

### **302.413 Snow Accumulation on or Adjacent to Threshold Areas**

The operator of an airport shall prevent snow that has accumulated on or adjacent to threshold areas from interfering with the operation of aeroplanes by clearing and banking the snow in a manner that meets or exceeds the specifications set out in Section 322.413 of the Airport Standards - Airport Winter Maintenance.

[SOR/2019-118, s. 3]

### **302.414 Snow Accumulation Adjacent to Runways or Taxiways**

The operator of an airport shall prevent snow that has accumulated adjacent to runways or taxiways from interfering with the operation of aeroplanes by clearing and banking the snow in a manner that meets or exceeds the specifications set out in Section 322.414 of the Airport Standards - Airport Winter Maintenance.

[SOR/2019-118, s. 3]

### **302.415 Ice Control Chemicals and Sand**

**(1)** The operator of an airport shall, on movement areas, use only

(a) the ice control chemicals specified in subsection 322.415(1) of the Airport Standards - Airport Winter Maintenance; and

(b) sand that meets the requirements specified in subsection 322.415(2) of the Airport Standards - Airport Winter Maintenance.

**(2)** The operator of the airport shall remove sand from movement areas, with the exception of gravel runways, as soon as

(a) the sand is no longer required to provide more friction for aircraft and service vehicles; and

(b) there are no higher operational priorities.

[SOR/2019-118, s. 3]

### **302.416 Friction Measurement**

**(1)** The operator of an airport shall

(a) carry out the measurements for the purposes of determining CRFIs in accordance with Section 322.416 of the Airport Standards - Airport Winter Maintenance;

(b) provide the CRFIs to the ground station in accordance with subsection 322.411(2) of those standards; and

(c) maintain the accuracy of the equipment referred to in Section 322.416 of those standards in accordance with that section.

**(2)** Subsection (1) does not apply if

(a) the airport does not receive any aeroplanes operated in an air transport service under Subpart 5 of Part VII; or

(b) the airport runways are gravel and the airport does not receive turbo-jet-powered aeroplanes operated in an air transport service under Subpart 5 of Part VII.

[SOR/2019-118, s. 3]

### **302.417 Movement Area Inspections and Reports**

**(1)** The operator of an airport shall

(a) inspect movement areas and prepare AMSCRs in accordance with Section 322.417 of the



Airport Standards - Airport Winter Maintenance;

(b) include a CRFI in each AMSCR if Section 302.416 applies to the operator;

(c) forward AMSCRs to the air navigation services provider in a manner that will permit its prompt dissemination to aircraft operators;

(d) provide the aeronautical information publications provider with information about the availability of CRFIs and AMSCRs for publication in the *Canada Flight Supplement*; and

(e) include information in the airport operations manual about the availability of CRFIs and AMSCRs.

**(2)** Despite paragraph (1)(b), the operator of the airport shall not include friction readings in an AMSCR if those friction readings are obtained from a runway surface using a decelerometer and if

(a) the runway surface is wet but there is no contaminant;

(b) on the runway surface there is a layer of slush but no other contaminant;

(c) on the runway surface there is wet snow that, when stepped on or driven on, splatters, turns to slush or results in the presence of visible water; or

(d) on the runway surface there is dry snow or wet snow that exceeds 2.5 cm (one inch) in depth.

[SOR/2019-118, s. 3]

### **302.418 Training**

**(1)** The operator of an airport shall not assign duties in respect of its airport winter maintenance plan to a person unless that person has received training from the operator on those duties and on the matters set out in Section 322.418 of the Airport Standards - Airport Winter Maintenance.

**(2)** The operator of the airport shall not assign supervisory duties in respect of its airport winter maintenance plan to a person unless that person has received training on those duties and on the content of the plan.

**(3)** Each year, before the start of winter maintenance operations, the operator of the airport shall provide persons who will be assigned duties in respect of its airport winter maintenance plan with training on any amendments that have been made to the plan since the previous

winter.

**(4)** Training provided under this section shall be competency-based with an emphasis on performance, and shall include written or practical examinations.

[SOR/2019-118, s. 3]

### **302.419 Training Records**

The operator of an airport shall keep a training record for each person who receives any training under Section 302.418, and shall keep the record for five years after the day on which the latest training was received.

[Effective 2020/05/15 - Previous Version dated 2008/01/01][Amended 2008/01/01 - No Previous Version]

[SOR/2019-118, s. 3]

### **320.401 to 302.499 Reserved**

[Effective 2020/05/15 - Previous Version dated 2008/01/01][Amended 2008/01/01 - No Previous Version]

[SOR/2019-118, s. 3.]

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## **Division V - Safety Management System**

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[Amended 2008/01/01 - No Previous Version]

### **302.500 Application**

**(1)** This Division applies to an applicant for, or a holder of, an airport certificate issued under Section 302.03 in respect of the following airports:

- (a) Calgary International;
- (b) Edmonton International;
- (c) Gander International;
- (d) Halifax Robert L. Stanfield International;
- (e) Montréal - Pierre Elliott Trudeau International;
- (f) Ottawa Macdonald-Cartier International;
- (g) St. John's International;
- (h) Toronto / Lester B. Pearson International;

(i) Vancouver International; and

(j) Winnipeg James Armstrong Richardson International.

**(2)** On and after January 1, 2009, this Division applies to an applicant for, or a holder of, an airport certificate issued under Section 302.03.

[Amended 2008/01/01 - No Previous Version]

[SOR/2007-290, s. 10.]

### **302.501 Requirements**

The safety management system required under Section 107.02 in respect of an applicant for, or a holder of, an airport certificate shall

(a) meet the requirements of Subpart 7 of Part I and Section 302.502; and

(b) be under the control of the accountable executive appointed under paragraph 106.02(1)(a).

[Amended 2008/01/01 - No Previous Version]

[SOR/2007-290, s. 10.]

### **302.502 Components of the Safety Management System**

The safety management system shall include, among others, the following components:

(a) a safety management plan that includes

(i) a safety policy that the accountable executive has approved and communicated to all employees,

(ii) the roles and responsibilities of personnel assigned duties under the safety management system,

(iii) performance goals and a means of measuring attainment of those goals,

(iv) a policy for the internal reporting of hazards, incidents and accidents, including the conditions under which immunity from disciplinary action will be granted, and

(v) a process for reviewing the safety management system to determine its effectiveness;

(b) procedures for reporting hazards, incidents and accidents to the appropriate manager;

- (c) procedures for the collection of data relating to hazards, incidents and accidents;
- (d) procedures for the exchange of information in respect of hazards, incidents and accidents among the operators of aircraft and the provider of air traffic services at the airport and the airport operator;
- (e) procedures for analysing data obtained under paragraph (c) and during an audit conducted under a quality assurance program required under paragraph 107.03(g) and for taking corrective actions;
- (f) training requirements for the person managing the safety management system and for personnel assigned duties under the safety management system;
- (g) procedures for making progress reports to the accountable executive at intervals determined by the accountable executive and other reports as needed in urgent cases; and
- (h) procedures for involving employees in the implementation and ongoing development of the safety management system.

[Amended 2008/01/01 - No Previous Version]

[SOR/2007-290, s. 10.]

### **302.503 Quality Assurance Program**

- (1)** The quality assurance program required under paragraph 107.03(g) in respect of an applicant for, or a holder of, an airport certificate shall include a process for quality assurance that includes periodic reviews or audits of the activities authorized under a certificate and reviews or audits, for cause, of those activities.
- (2)** The holder of an airport certificate shall ensure that records relating to the findings resulting from the quality assurance program are distributed to the appropriate manager for corrective action and follow-up.
- (3)** The holder of an airport certificate shall establish an audit system in respect of the quality assurance program that consists of the following:
  - (a) an initial audit conducted within 12 months after
    - (i) in the case of an airport specified in subsection 302.500(1), the later of January 1, 2008 and the day on which the airport certificate is issued, and
    - (ii) in the case of any other airport, the later of January 1, 2009 and the day on which the

airport certificate is issued;

(b) an audit of the entire quality assurance program carried out every three years, calculated from the initial audit, in one of the following ways:

(i) a complete audit, or

(ii) a series of audits conducted at intervals set out in the airport operations manual;

(c) checklists of all activities controlled by the airport operations manual;

(d) a record of each occurrence of compliance or non-compliance with the airport operations manual found during an audit referred to in paragraph (a) or (b);

(e) procedures for ensuring that each finding of an audit is communicated to the accountable executive;

(f) follow-up procedures for ensuring that corrective actions are effective; and

(g) a system for recording the findings of an audit referred to in paragraph (a) or (b), corrective actions and follow-ups.

**(4)** The records resulting from a system required under paragraph (3)(g) shall be retained for the greater of

(a) two audit cycles, and

(b) two years.

**(5)** The duties related to the quality assurance program that involve specific tasks or activities among the activities of an airport shall be fulfilled by persons who are not responsible for carrying out those tasks or activities unless

(a) the size, nature and complexity of the operations and activities authorized under the airport certificate justify the fulfilling of those duties by the person responsible for carrying out those tasks or activities;

(b) the holder of the airport certificate demonstrates to the Minister, by means of a risk analysis, that the fulfilling of those duties by the person responsible for carrying out those tasks or activities will not result in an unacceptable risk to aviation safety; and

(c) the holder of the airport certificate provides the Minister, in writing, with the information required under paragraphs (a) and (b).

### **302.504 Duties of the Certificate Holder**

The holder of an airport certificate shall

- (a) ensure that corrective actions are taken in respect of any findings resulting from the safety management system referred to in Section 302.501;
- (b) appoint a person to manage the safety management system; and
- (c) ensure that the person managing the safety management system performs the duties required under Section 302.505.

[Amended 2008/01/01 - No Previous Version]

[SOR/2007-290, s. 10.]

### **302.505 Person Managing the Safety Management System**

**(1)** The person managing the safety management system shall

- (a) implement a reporting system to ensure the timely collection of information related to hazards, incidents and accidents that may adversely affect safety;
- (b) identify hazards and carry out risk management analyses of those hazards;
- (c) investigate, analyze and identify the cause or probable cause of all hazards, incidents and accidents identified under the safety management system;
- (d) implement a safety data system, by either electronic or other means, to monitor and analyze trends in hazards, incidents and accidents;
- (e) monitor and evaluate the results of corrective actions with respect to hazards, incidents and accidents;
- (f) monitor the concerns of the civil aviation industry in respect of safety and their perceived effect on the holder of the airport certificate; and
- (g) determine the adequacy of the training required by paragraph 302.502(f).

**(2)** The person managing the safety management system shall, if a finding resulting from the safety management system referred to in Section 302.501 is reported to them,

- (a) determine what, if any, corrective actions are required and carry out those actions;
- (b) keep a record of any determination made under paragraph (a) and the reason for it;
- (c) if management duties have been assigned to another person under subsection (3), communicate any determination regarding a corrective action to that person; and
- (d) notify the certificate holder of any systemic deficiency and of the corrective action taken.

**(3)** The person managing the safety management system may assign the management functions for the safety management system referred to in Section 302.501 to another person if the assignment and its scope are described in the airport operations manual.

**(4)** The person to whom management functions have been assigned under subsection (3) shall notify the person managing the safety management system of any systemic deficiency and of the corrective action taken.

**(5)** The responsibility and accountability of the accountable executive are not affected by the appointment of a person to manage the safety management system under paragraph 302.504(b) or the assignment of management functions to another person under subsection (3).

[Effective 2019/06/14 - Previous Version Dated 2019/05/29][Effective 2019/05/29 - Previous Version Dated 2008/01/01][Amended 2008/01/01 - No Previous Version]

[SOR/2007-290, s. 10; SOR/2019-119, s. 9(E); SOR/2019-122, s. 1.]

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## **Subpart 3 - Aircraft Rescue and Fire Fighting at Airports and Aerodromes**

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[Amended 2003/03/01 - Previous Version Dated 1997/12/01][Amended 1997/12/01 - Previous Version Dated 1996/10/10]

[SOR/2003-58, s. 2]

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### **Division I - General**

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#### **303.01 Interpretation**

In this Subpart,

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"aircraft category for fire fighting" - means an aircraft category, determined in accordance with Section 303.05 for the purpose of fighting fires involving aircraft; (*catégorie d'aéronefs - SLIA*)

[Amended 2002/06/10 ("Aircraft emergency" - moved to 300.01) - Previous Version Dated 1996/10/10]

[SOR/2002-226, s. 2]

"aircraft fire-fighting standards" - means the *Aerodrome and Airport Standards respecting Aircraft Fire Fighting at Airports and Aerodromes* published under the authority of the Minister; (*normes de lutte contre les incendies d'aéronefs*)

"critical category for fire fighting" - means the aircraft category that

(a) in respect of a designated airport, is determined in accordance with Section 303.07 for the purpose of establishing the required level of service for fighting fires involving aircraft at the airport, and

(b) in respect of a participating airport or aerodrome, is specified for the airport or aerodrome in the *Canada Flight Supplement* and corresponds to the level of service for fighting fires involving aircraft at that airport or aerodrome; (*catégorie critique - SLIA*)

"designated airport" - Repealed

[Repealed 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2002-226, s. 2.]

"in response posture" - means, in respect of personnel, in a location at or near the airport or aerodrome that will permit an operator to obtain a satisfactory result in a response test referred to in subsection 303.18(4); (*en position d'intervention*)

[Amended 2003/03/01 - No Previous Version]

"participating airport or aerodrome" - means an airport, other than a designated airport, or an aerodrome, for which a critical category for fire fighting is specified in the *Canada Flight Supplement*. (*aéroport ou aéroport participant*)

"rescue" - means the act of evacuating persons from an aircraft involved in an aircraft accident or incident at an airport by means of fire suppression and then, if circumstances permit, aircraft entry. (*sauvetage*)

[Amended 2003/03/01 - No Previous Version]

[SOR/97-518, s. 2; SOR/2002-226, s. 2; SOR/2003-58, s. 3; SOR/2006-86, s. 2.]

## **303.02 Application**



**(1)** This Subpart, except subsections 303.03(2) and 303.04(4), applies in respect of a designated airport, which is an airport at which, according to the statistics referred to in subsection 303.06(1), the total of the number of passengers that are emplaned and the number of passengers that are deplaned is more than 180,000 per year.

**(2)** This Subpart, except subsections 303.03(1) and 303.04(1) to (3), Sections 303.06 and 303.07, subsection 303.10(2) and Sections 303.11 and 303.12, applies in respect of a participating airport or aerodrome.

[Amended 2006/06/30 - Previous Version Dated 1998/08/26][Amended 1998/08/26 - Previous Version Dated 1997/12/01]

[SOR/97-518, s. 2; SOR/98-442, s. 1; SOR/2006-86, s. 3]

### **303.03 General Requirements**

**(1)** The operator of a designated airport shall provide the aircraft fire-fighting vehicles and the personnel required under this Subpart to respond to an aircraft emergency at the airport

(a) in the case of an airport listed in the schedule to this Subpart, on the coming into force of these Regulations; and

(b) in any other case, twelve months after the statistics compiled in accordance with subsection 303.06(1) show that the airport meets the criteria for a designated airport set out in subsection 303.02(1).

**(2)** The operator of a participating airport or aerodrome shall provide the aircraft fire-fighting vehicles and the personnel required pursuant to this Subpart that correspond to the critical category for fire fighting published in the *Canada Flight Supplement* to respond to an aircraft emergency at the airport or aerodrome.

[Amended 2006/06/30 - Previous Version Dated 1997/12/01]

[SOR/97-518, s. 2; SOR/2006-86, s. 4.]

### **303.04 Hours of Operation of an Aircraft Fire-Fighting Service**

**(1)** Subject to subsection (2), the operator of a designated airport shall

(a) at the beginning of each month and after consultation with the air operators that use the airport, establish the hours of operation of an aircraft fire-fighting service for the month and ensure that those hours coincide with at least 90 per cent of the movements during that month by commercial passenger-carrying aircraft at the airport of which the operator receives notice at least 30 days in advance; and

(b) ensure that the critical category for fire fighting and the hours of operation of an aircraft

fire fighting service are published in the *Canada Flight Supplement* and in a NOTAM, if the NOTAM is published earlier.

[Amended 2006/06/30 - Previous Version Dated 1998/08/26][Amended 1998/08/26 - Previous Version Dated 1997/12/01]

**(2)** Subject to subsection (5), the operator of a designated airport shall provide an aircraft fire-fighting service for the operation at the airport of aeroplanes in respect of which a type certificate has been issued authorizing the transport of 20 or more passengers, if the aeroplanes are operated under

(a) Part VI, Subpart 4; or

(b) Part VII, Subpart 1 or 5.

[Amended 2003/03/01 - Previous Version Dated 1998/08/26][Amended 1998/08/26 - Previous Version Dated 1997/12/01]

**(3)** The operator of a designated airport shall provide an aircraft fire-fighting service until an aircraft referred to in subsection (2) has taken off or landed or the flight has been cancelled.

[Amended 1998/08/26 - No Previous Version]

**(4)** The operator of a participating airport or aerodrome shall establish the hours during which an aircraft fire-fighting service is to be operated and shall ensure that the hours are published in the *Canada Flight Supplement* and in a NOTAM, if the NOTAM is published earlier.

[Amended 1998/08/26 - No Previous Version]

**(5)** Subsection (2) does not apply in respect of

(a) a cargo flight without passengers;

(b) a ferry flight;

(c) a positioning flight;

(d) a training flight if no fare-paying passengers are on board;

(e) the arrival of an aeroplane when the airport is being used for a diversion or as an alternate aerodrome; or

(f) the subsequent departure of an aeroplane referred to in paragraph (e), if it is conducted in accordance with paragraph 602.96(7)(f).

[Amended 2003/03/01 - No Previous Version]

[SOR/97-518, s. 2; SOR/98-442, s. 2; SOR/2003-58, s. 4; SOR/2006-86, s. 5.]

### **303.05 Aircraft Category for Fire Fighting**

(1) An aircraft category for fire fighting set out in column I of an item of the Table to this subsection shall be established for an aircraft based on the aircraft overall length set out in column II of the item and the aircraft maximum fuselage width set out in column III of that item.

**Table**

(Section 303.05(1))

	<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Item</b>	<b>Aircraft Category for Fire Fighting</b>	<b>Aircraft Overall Length</b>	<b>Aircraft Maximum Fuselage Width</b>
<b>1.</b>	1	less than 9 m	2 m
<b>2.</b>	2	at least 9 m but less than 12 m	2 m
<b>3.</b>	3	at least 12 m but less than 18 m	3 m
<b>4.</b>	4	at least 18 m but less than 24 m	4 m
<b>5.</b>	5	at least 24 m but less than 28 m	4 m
<b>6.</b>	6	at least 28 m but less than 39 m	5 m
<b>7.</b>	7	at least 39 m but less than 49 m	5 m
<b>8.</b>	8	at least 49 m but less than 61 m	7 m
<b>9.</b>	9	at least 61 m but less than 76 m	7 m
<b>10.</b>	10	at least 76 m	8 m

(2) Where the fuselage width of an aircraft that has an overall length within the range set out in column II of an item of the Table to subsection (1) is greater than the aircraft maximum fuselage width set out in column III of the item, the aircraft category for fire fighting for the aircraft shall be one category higher than the category set out in column I of that item.

[SOR/97-518, s. 2.]

### **303.06 Statistics on the Number of Passengers and Aircraft Movements**

**(1)** The operator of an airport or aerodrome shall review, at least once every six months, the statistics in respect of the number of emplaned and deplaned passengers resulting from the Electronic Collection of Air Transportation Statistics project carried out jointly by the Department of Transport and Statistics Canada for the twelve months preceding the date of the review and determine whether the airport or aerodrome qualifies as a designated airport under subsection 303.02(1).

**(2)** The operator of a designated airport shall compile monthly statistics setting out the number of movements by commercial passenger-carrying aircraft in each aircraft category for fire fighting.

**(3)** The operator of a designated airport shall, at least once every six months, review the monthly statistics for the twelve months preceding the date of the review and determine the three consecutive months with the highest total number of movements by commercial passenger-carrying aircraft in all aircraft categories for fire fighting.

**(4)** Where the review shows more than one period of three consecutive months having the same total number of movements by commercial passenger-carrying aircraft, the period to be used for the purposes of Section 303.07 is

(a) the period involving the highest aircraft category for fire fighting; or

(b) where those periods involve the same highest aircraft category for fire fighting, the period involving the greatest number of movements in that category.

**(5)** The Minister may, in writing, on application by the operator of a designated airport, authorize the operator to cease providing an aircraft fire-fighting service if the operator demonstrates by means of a risk analysis based on Standard CAN/CSA-Q850-97 entitled *Risk Management: Guideline for Decision-makers* as amended from time to time that the cessation of the aircraft fire-fighting service will not result in an unacceptable risk to aviation safety.

**(6)** If the Minister issues an authorization under subsection (5), the operator of a designated airport shall submit the content of the authorization for publication in the *Canada Flight Supplement* and in a NOTAM, if the NOTAM is published earlier.

**(7)** The operator of a designated airport shall

(a) retain the monthly statistics referred to in subsection (2) for five years after the date of

the review; and

(b) provide them to the Minister at the Minister's request.

[Amended 2006/06/30 - Previous Version Dated 1997/12/01]

[SOR/97-518, s. 2; SOR/2006-86, s. 6.]

### **303.07 Critical Category for Fire Fighting**

**(1)** The operator of a designated airport shall determine a critical category for fire fighting for the airport based on the number of movements at the airport during the three-month period determined in accordance with subsection 303.06(3) or (4) by commercial passenger-carrying aircraft in the highest and the next highest aircraft categories for fire fighting.

[Amended 2006/06/30 - Previous Version Dated 1997/12/01]

**(2)** Where, during the period referred to in subsection (1), the number of movements at the designated airport by aircraft in the highest aircraft category for fire fighting is 700 or more, the critical category for fire fighting is equivalent to that highest aircraft category for fire fighting.

**(3)** If, during the period referred to in subsection (1), the number of movements at the designated airport by aircraft in the highest aircraft category for fire fighting is less than 700, the critical category for fire fighting shall be determined by decreasing the highest aircraft category for fire fighting by one category.

[Amended 2003/06/01 - Previous Version Dated 1997/12/01]

**(4)** If the operator of a designated airport anticipates a period of one or more hours of movements of aircraft of a lower aircraft category for fire fighting only, the operator may reduce the critical category for fire fighting to the highest aircraft category for fire fighting anticipated for that period if the operator

(a) documents the anticipated situation; and

(b) notifies the appropriate air traffic control unit or flight service station of the reduced critical category for fire fighting for publication in a NOTAM.

[Amended 2003/03/01 - No Previous Version]

[SOR/97-518, s. 2; SOR/2003-58, s. 5; SOR/2003-42, s. 1; SOR/2006-86, s. 7.]

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## **Division II - Extinguishing Agents and Aircraft Fire-Fighting Vehicles**

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### **303.08 Extinguishing Agents and Equipment**

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The operator of a designated airport or of a participating airport or aerodrome shall provide its aircraft fire-fighting service with both the principal and the complementary extinguishing agents and the equipment delivering the agents that meet the requirements set out in the aircraft fire-fighting standards.

[SOR/97-518, s. 2.]

### **303.09 Extinguishing Agent and Aircraft Fire-Fighting Vehicle Requirements**

Subject to Sections 303.10 and 303.11, the operator of a designated airport or of a participating airport or aerodrome the critical category for fire fighting of which is set out in column I of an item of the Table to this Section shall provide to the aircraft fire-fighting service at the airport or aerodrome the quantities of water and complementary extinguishing agents set out in columns II and III of the item, and the minimum number of aircraft fire-fighting vehicles set out in column IV of that item necessary to provide the total discharge capacity set out in column V of that item.

**Table**

(Section 303.09)

	<b>Column I</b>	<b>Column II</b>	<b>Column III</b>	<b>Column IV</b>	<b>Column V</b>
<b>Item</b>	<b>Critical Category for Fire Fighting</b>	<b>Quantity of Water (in litres)</b>	<b>Quantity of Complementary Extinguishing Agents (in kilograms)</b>	<b>Minimum Number of Aircraft Fire-fighting Vehicles</b>	<b>Total Discharge Capacity (in litres per minute)</b>
<b>1.</b>	1	230	45	1	230
<b>2.</b>	2	670	90	1	550
<b>3.</b>	3	1 200	135	1	900
<b>4.</b>	4	2 400	135	1	1 800
<b>5.</b>	5	5 400	180	1	3 000
<b>6.</b>	6	7 900	225	2	4 000
<b>7.</b>	7	12 100	225	2	5 300

<b>8.</b>	8	18 200	450	3	7 200
<b>9.</b>	9	24 300	450	3	9 000
<b>10.</b>	10	32 300	450	3	11 200

[SOR/97-518, s. 2.]

### **303.10 Temporary Exemption**

**(1)** Subject to subsection (2), the operator of a designated airport or of a participating airport or aerodrome does not have to meet the requirements referred to in Section 303.09 where those requirements cannot be met because of a personnel shortage or unserviceable equipment at the airport or aerodrome caused by circumstances beyond the control of its operator and a notification of the reduced level of aircraft fire-fighting service at the airport or aerodrome has been given to the appropriate air traffic control unit or flight service station for publication in a NOTAM.

**(2)** When the condition described in subsection (1) continues for seven days or more, the operator of a designated airport shall, no later than seven days after the onset of the condition,

(a) establish a plan specifying the corrective measures that are necessary to meet the requirements of Section 303.09 and the dates by which those measures shall be taken, which dates shall be as early as practicable given the circumstances; and

(b) submit the plan to the Minister.

**(3)** The operator of a designated airport shall implement the submitted plan by the date specified in the plan.

[SOR/97-518, s. 2.]

### **303.11 Authorization Respecting Reduced Requirements**

**(1)** The Minister may, in writing, on application by the operator of a designated airport, authorize the operator to meet the requirements set out in the Table to Section 303.09 for a lower critical category for fire fighting than that established for the airport pursuant to Section 303.07 where that operator demonstrates that

(a) the critical category for fire fighting was the result of movements by unusually large commercial passenger-carrying aircraft or an unusually high number of movements by

commercial passenger-carrying aircraft at the airport and either of these situations is unlikely to be repeated within the next year; or

(b) the number of movements by, or the size of, commercial passenger-carrying aircraft at the airport is expected to be altered in a manner that would result in a lower critical category for fire fighting.

**(2)** Where a written authorization has been issued pursuant to subsection (1), the operator of the designated airport shall meet the requirements set out in the Table to Section 303.09 for the lower critical category for fire fighting specified in the authorization and shall ensure that

(a) notification of the reduced level of aircraft fire-fighting service and the period during which the level is reduced is given to the appropriate air traffic control unit or flight service station for publication in the *Canada Flight Supplement* and in a NOTAM, where the NOTAM is published earlier;

(b) procedures are established to restore the level of aircraft fire-fighting service to the previous higher level if the reduction in the number of movements by, or in the size of, commercial passenger-carrying aircraft at the airport is temporary; and

(c) the procedures for a reduction in the level of aircraft fire-fighting service and the procedures referred to in paragraph (b) are set out in the airport operations manual.

[SOR/97-518, s. 2.]

### **303.12 Adjustment to Higher Requirements**

Where an increase in the number of movements by, or in the size of, commercial passenger-carrying aircraft at a designated airport results in the establishment for the airport of a higher critical category for fire fighting than the previous category, the operator of the airport shall meet the requirements for that higher category as set out in the Table to Section 303.09 within one year after the date of establishing the higher critical category for fire fighting.

[SOR/97-518, s. 2.]

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## **Division III - Personnel Requirements**

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### **303.13 Minimum Personnel**

During the hours of operation of the aircraft fire-fighting service, the operator of a designated airport or of a participating airport or aerodrome shall ensure that trained aircraft fire-fighting personnel are in response posture and in sufficient number to operate the aircraft fire-fighting



vehicles and apply the extinguishing agents required by Section 303.09.

[Amended 2003/03/01 - Previous Version Dated 1997/12/01]

[SOR/97-518, s. 2; SOR/2003-58, s. 6.]

### **303.14 Training of Personnel**

The operator of a designated airport or of a participating airport or aerodrome shall ensure that all personnel assigned to aircraft fire-fighting duties are trained in accordance with the aircraft fire-fighting standards.

[SOR/97-518, s. 2.]

### **303.15 Equipment and Protective Clothing**

The operator of a designated airport or of a participating airport or aerodrome shall provide all personnel assigned to aircraft fire-fighting duties with the equipment and protective clothing necessary to perform their duties.

[SOR/97-518, s. 2.]

### **303.16 Firefighter Qualifications**

**(1)** No operator of a designated airport or of a participating airport or aerodrome shall permit a person to act and no person shall act as an aircraft firefighter at the airport or aerodrome unless the person has, within the previous 12 months, successfully completed the training specified in the aircraft fire-fighting standards.

**(2)** The operator of a designated airport or of a participating airport or aerodrome shall

(a) maintain, for each aircraft firefighter, a training record containing the information specified in the aircraft fire-fighting standards;

(b) preserve the training record for three years after the aircraft firefighter leaves the service of the airport or aerodrome; and

(c) at the request of the Minister, provide the Minister with a copy of the training record.

[SOR/97-518, s. 2.]

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## **Division IV - Response Readiness**

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### **303.17 Personnel Readiness**

The operator of a designated airport or of a participating airport or aerodrome shall ensure that, during the hours of operation of its aircraft fire-fighting service, of the fire-fighting personnel required to be available pursuant to Section 303.13, the number of personnel capable of immediate response is sufficient to meet the requirements of the response test referred to in Section 303.18.

[SOR/97-518, s. 2.]

### **303.18 Response Test**

**(1)** The operator of a designated airport or of a participating airport or aerodrome shall carry out a response test to evaluate the response time and effectiveness of the aircraft fire-fighting service required to be maintained during the hours of operation specified in Section 303.04

(a) every 12 months; and

(b) at any time at the request of the Minister, where the Minister has reasonable grounds to believe that the aircraft fire-fighting service at the airport or aerodrome does not meet the requirements of this Subpart.

**(2)** The operator of a designated airport or of a participating airport or aerodrome shall give the Minister at least four weeks written notice of the date on which a response test is to be carried out.

**(3)** The operator of a designated airport or of a participating airport or aerodrome shall provide the Minister with a copy of the results of a response test within 14 days after the date of the test.

**(4)** A response test at a designated airport or at a participating airport or aerodrome has a satisfactory result if

(a) within three minutes after an alarm is sounded, aircraft fire-fighting vehicles in a number sufficient for applying the principal extinguishing agent at 50 per cent of the total discharge capacity required by Section 303.09 are dispatched from their assigned position and, under optimum surface and visibility conditions at the airport or aerodrome, reach the midpoint of the farthest runway serving commercial passenger-carrying aircraft, or another predetermined point of comparable distance and terrain; and

(b) within four minutes after the alarm is sounded, any other aircraft fire-fighting vehicle required by Section 303.09 reaches the location referred to in paragraph (a).

[Amended 2003/06/01 - Previous Version Dated 1997/12/01]

(5) The operator of a designated airport or of a participating airport or aerodrome shall record the results of a response test and shall preserve the records for two years after the date of the test.

(6) If a response test does not have a satisfactory result, the operator of a designated airport or of a participating airport or aerodrome shall

(a) within six hours after the test, identify the deficiencies that caused the result and notify the appropriate air traffic control unit or flight service of the critical category for fighting that corresponds to the level of service that can be provided, for publication in a NOTAM; and

(b) within seven days after the test, if any deficiency is not corrected, submit a plan to the Minister specifying the measures necessary to obtain a satisfactory result and the dates by which they must be taken, which shall be as early as practicable given the circumstances.

[Amended 2003/03/01 - Previous Version Dated 1997/12/01]

(7) The operator of a designated airport or of a participating airport or aerodrome shall implement the submitted plan by the dates specified in the plan.

[SOR/97-518, s. 2; SOR/2003-58, s. 7; SOR/2003-42, s. 2.]

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## **Division V - Communication and Alerting System**

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### **303.19 Requirement**

The operator of a designated airport or of a participating airport or aerodrome shall provide a communication and alerting system that meets the aircraft fire-fighting standards.

[SOR/97-518, s. 2.]

### **303.20 Transitional Provisions**

(1) The operator of a designated airport shall

(a) until November 30, 1998, except in respect of aircraft referred to in subsection 303.04(2), maintain the aircraft fire-fighting service that was provided on November 30, 1997; and

[Amended 1998/08/26 - Previous Version Dated 1997/12/01]

(b) effective December 1, 1998, meet the requirements for an aircraft fire-fighting service

prescribed in subsections 303.03(1) and 303.04(1) and Sections 303.07 to 303.19.

**(2)** The operator of a participating airport or aerodrome shall, effective December 1, 1998, meet the requirements for an aircraft fire-fighting service prescribed in subsections 303.03(2) and 303.04(4), Sections 303.08 and 303.09, subsection 303.10(1) and Sections 303.13 to 303.19.

[Amended 1998/08/26 - Previous Version Dated 1997/12/01]

[SOR/97-518, s. 2; SOR/98-442, s. 3.]

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## Schedule

Repealed

[Repealed 2007/06/30 - Previous Version Dated 2004/02/24][Amended 2004/02/24 - Previous Version Dated 1997/12/01]

[Repealed, SOR/2006-86, s. 8]

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## Subpart 4 - Reserved

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[Amended 2007/06/30 - Previous Version Dated 2002/06/10][Amended 2002/06/10 - No Previous Version]

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## Subpart 5 - Heliports

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[Amended 2007/06/30 - Previous Version Dated 2002/06/10][Amended 2002/06/10 - No Previous Version]

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## Division I - General

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[Amended 2007/06/30 - No Previous Version]

### 305.01 Interpretation

The following definitions apply in this Subpart.

"applicable heliport standard" - means the standard that is applicable to a heliport or to a part of it, or to its administration and operation, as determined under subsection 305.17(1). (*norme sur les héliports applicable*)

"FATO" - means a final approach and take-off area, which consists of a defined area over which the final phase of a helicopter approach manoeuvre to hover or land is completed and from which the take-off manoeuvre is commenced. (*FATO*)

"heliport certificate" - means a certificate issued under Section 305.08, 305.11 or 305.12. (*certificat d'héliport*)

"heliport closed marking" - means a marking that meets the requirements of subsection 305.41(1). (*marque de zone fermée d'héliport*)

"heliport operations manual" or "HOM" - means the manual referred to in Sections 305.53 to 305.57 and includes any amendments to the manual that are included under subsection 305.08(4). (*manuel d'exploitation d'héliport ou MEH*)

[Effective 2019/05/29 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

"Standard 621.19" - Repealed

[Amended 2011/12/31 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2011-285, s. 4.]

"TLOF" - means a touchdown and lift off area, which consists of a load-bearing area on which a helicopter may touch down or lift off. (*TLOF*)

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2011-285, s. 4; SOR/2019-122, s. 2]

### **305.02 Application**

**(1)** Subject to subsection (2), this Subpart applies in respect of the operation of a heliport

(a) that is located within a built-up area of a city or town;

(b) that is used by an air operator providing a scheduled air service for the purpose of transporting persons;

(c) for which an instrument approach procedure to precision limits is established in accordance with the applicable heliport standard; or

(d) that is any other heliport in respect of which the issuance of a heliport certificate would be in the public interest and would further the safe operation of the heliport.

**(2)** This Subpart does not apply in respect of a military heliport.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.03 Requirement to Hold a Heliport Certificate**

A person shall not operate a heliport referred to in subsection 305.02(1) unless a heliport

certificate is issued in respect of the heliport.

[Effective 2019/08/08 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2019-295, s. 8.]

### **305.04 Eligibility to Hold a Heliport Certificate**

A person is eligible to hold a heliport certificate if they are

- (a) a citizen of Canada;
- (b) a permanent resident of Canada;
- (c) a corporation incorporated under the territorial, provincial or federal laws of Canada; or
- (d) a municipal, provincial or federal entity.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.05 Management Agreement**

[SOR/2015-160, s. 10(F)]

No heliport operator shall manage another heliport operator's heliport unless they are authorized to do so in the heliport operations manual of the other operator's heliport.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.06 and 305.07 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division II - Certification**

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[Amended 2007/06/30 - No Previous Version]

### **305.08 Application and Issuance of a Heliport Certificate**

**(1)** An applicant for a heliport certificate shall

- (a) submit to the Minister the application;
- (b) ensure that the heliport meets the certification requirements and criteria set out in these Regulations and the applicable heliport standard;

(c) submit to the Minister for approval their copy of a proposed heliport operations manual that describes the manner in which the heliport meets the requirements and criteria referred to in paragraph (b) and the physical specifications of the heliport; and

(d) submit to the Minister proof that the applicant has consulted with the local government authority relating to the proposed heliport and adjacent land in accordance with the requirements of the applicable heliport standard.

**(2)** Subject to subsection 6.71(1) of the *Act*, the Minister shall, after receipt of an application for a heliport certificate, issue the certificate if the applicant demonstrates to the Minister the ability

(a) to maintain an organizational structure in accordance with the requirements of their heliport operations manual;

(b) to maintain an operation of aviation activities at the heliport that ensures the operational requirements set out in their heliport operations manual are met; and

(c) to conduct operations at the heliport in a safe manner.

**(3)** For the purposes of subsection (2), an applicant shall have

(a) an organization capable of exercising heliport operational management; and

(b) operational support services and equipment that are in accordance with their heliport operations manual.

**(4)** If a heliport does not meet a requirement set out in the applicable heliport standard, the Minister may specify replacement conditions to be included in the heliport operations manual that relate to the same subject matter as the unmet requirement and that are necessary to achieve a level of safety that is equivalent to the one established by the requirement to protect the public interest and to ensure aviation safety.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 11(F).]

### **305.09 Contents of a Heliport Certificate**

A heliport certificate shall contain the following information:

(a) the certificate number;

(b) the name of the heliport;

(c) the name of the heliport operator;

(d) the signature of the Minister; and

(e) the date of issue.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.10 General Conditions of a Heliport Certificate**

**(1)** The holder of a heliport certificate shall ensure that the heliport meets the applicable certification criteria set out in these Regulations and in the applicable heliport standard.

**(2)** The holder of a heliport certificate shall

(a) maintain the organizational structure referred to in paragraph 305.08(2)(a); and

(b) notify the Minister within 10 working days after any change in its legal name, trade name or managerial personnel under paragraph 305.08(3)(a).

**(3)** The holder of a heliport certificate shall conduct operations at the heliport in a safe manner.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.11 Transfer of a Heliport Certificate**

The Minister shall approve the transfer of a heliport certificate to a transferee and issue an amended heliport certificate only if

(a) the current holder of the heliport certificate notifies the Minister in writing at least 14 days before ceasing to operate the heliport that they will cease to operate the heliport as of the date specified in the notice and of the name of the transferee;

(b) the transferee applies in writing to the Minister for the issuance of a new heliport certificate and includes a copy of the transfer notice referred to in paragraph (a) within 14 days before the current holder ceases to operate the heliport; and

(c) the requirements set out in Section 305.10 are met on the day of transfer and there are no indications that they will not continue to be met.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]



### **305.12 Interim Heliport Certificate**

**(1)** The Minister may issue an interim heliport certificate in writing to the following persons authorizing them to operate a heliport:

(a) an applicant referred to in Section 305.08, until the day of issuance of the heliport certificate that will be issued to the applicant as soon as the application procedure in respect of the issuance is completed; and

(b) a transferee referred to in Section 305.11, until the day of issuance of an amended heliport certificate in respect of the heliport that will be issued to the transferee as soon as the application procedure in respect of the transfer is completed.

**(2)** An interim heliport certificate expires on the earlier of

(a) the day on which the heliport certificate or the amended heliport certificate is issued, and

(b) the day specified in the interim heliport certificate as the day on which it will expire.

**(3)** Except for Sections 305.08 and 305.09, this Subpart applies in respect of an interim heliport certificate in the same manner as it applies in respect of a heliport certificate.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.13 to 305.16 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division III - Operator of a Heliport**

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[Amended 2007/06/30 - No Previous Version]

### **305.17 Obligations of an Operator**

**(1)** The operator of a heliport shall comply with the requirements

(a) with respect to the heliport as a whole, the following heliport standards as identified in their heliport operations manual:

- (i) unless the operator has voluntarily adopted the Standard referred to in subparagraph
- (ii), for heliports in respect of which a heliport certificate was issued before the coming

into force of these Regulations, the *Heliport and Helideck Standards and Recommended Practices*, TP 2586E, and

(ii) for any other heliport, Standard 325 - *Heliport Standards*, as they read on the day on which the heliport certificate was issued;

(b) with respect to any procedure pertaining to the administration, heliport traffic management, safety and security, emergency response and heliport maintenance, Standard 325 - *Heliport Standards*; and

(c) with respect to any replacement or improvement to the heliport since the day on which the heliport certificate was issued, the following heliport standards:

(i) for parts or facilities of the heliport that returned to service before the coming into force of these Regulations, the most recent applicable heliport standard for the heliport as identified in their heliport operations manual, and

(ii) for parts or facilities of the heliport returned to service on or after the day of coming into force of these Regulations, Standard 325 - *Heliport Standards*, as they read on the day on which the part or facility was returned to service.

**(2)** The operator of a heliport shall

(a) review each aeronautical information publication as soon as possible after its issuance and immediately after the review notify the Minister and the provider of aeronautical information services of any inaccurate information contained in the publication that pertains to the heliport that they operate;

(b) notify the provider of an aeronautical information publication before any planned change to the heliport, the heliport facilities or the level of service at the heliport that would affect the accuracy of information contained in the publication;

(c) ensure that the notification is in accordance with the processes and procedures established by the provider of the aeronautical information services to meet the Standards referred to in Part VIII;

(d) notify the provider of aeronautical information services of all changes to operational information published in the aeronautical information publications; and

(e) notify the Minister in writing of any change in heliport operations within 14 days after the day of the change and take the following measures, as applicable:

(i) if a hazardous condition has been identified, have a NOTAM issued identifying the hazard, and

(ii) if a change in heliport operations constitutes a change to the provisions identified in the heliport certificate, ensure that the change has been approved by the Minister.

**(3)** Subject to subsection (4), the operator of a heliport shall give to the Minister, and cause to be received at the appropriate air traffic control unit or flight service station, immediate notice of any of the following circumstances of which the operator has knowledge:

(a) any projection by an object through an obstacle limitation surface relating to the heliport;

(b) the existence of any obstruction or hazardous condition affecting aviation safety at or in the vicinity of the heliport;

(c) any reduction in the level of services at the heliport that are set out in an aeronautical information publication as being provided at the heliport;

(d) the closure of any part of the manoeuvring area of the heliport; and

(e) any other conditions that could be hazardous to aviation safety at the heliport and against which precautions are warranted.

**(4)** Where it is not feasible for the operator of a heliport to cause notice of a circumstance referred to in subsection (3) to be received at the appropriate air traffic control unit or flight service station, the operator of the heliport shall give immediate notice directly to the pilots who may be affected by that circumstance.

**(5)** Prior to the use of a heliport for helicopter operations, the operator of the heliport shall remove from the surface of the heliport, or from the surrounding ground over which the operator has control, any vehicle or other obstruction that is likely to be hazardous to aviation safety.

[Effective 2015/08/30 - Previous Version dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 12]

### **305.18 Heliport Operations Manual**

**(1)** The operator of a heliport shall, as soon as possible after the issuance of the heliport certificate,

(a) provide the Minister with their copy of the heliport operations manual as approved

under paragraph 305.08(1)(c) and any amendments to the manual approved under paragraph (2)(b); and

(b) distribute copies of the applicable portions and amendments to the applicable persons and institutions referred to in the manual.

**(2)** The operator of the heliport shall

(a) keep their heliport operations manual up to date; and

(b) submit to the Minister for approval any proposed amendment to their heliport operations manual.

[Effective 2015/08/30 - Previous Version dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 13]

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## Division IV - General Certification Requirements

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[Amended 2007/06/30 - No Previous Version]

### 305.19 Heliport Classification

The operator of a heliport shall determine the heliport classification in accordance with Standard 325 - *Heliport Standards* in respect of

(a) the classification of non-instrument heliports; and

(b) performance requirements of helicopters that are expected to use the heliport.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### 305.20 Operational Limits

The operator of a heliport shall determine, and record in their heliport operations manual, the heliport operational limitations in accordance with the applicable heliport standard with respect to

(a) load bearing strength of the TLOF when required by the applicable heliport standard;

(b) the maximum helicopter overall length for which each operational area at a heliport is certified; and

(c) the heliport classification as specified in paragraph 305.19(a) and category as

determined in accordance with the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.21 Units of Measurement**

Unless otherwise specified in the applicable heliport standard, units of measurement used in this Division and in the heliport operations manual shall use the following rounding rules and specified measurement units:

- (a) elevations to the nearest foot;
- (b) linear dimensions to the nearest metre;
- (c) geographic coordinates in latitude and longitude to the nearest second;
- (d) geographic coordinates measured in accordance with North American Datum 1983;
- (e) bearings to the nearest degree;
- (f) water depths, measured in the specified unit expressed, to the nearest foot or metre;  
and
- (g) range of tides or water levels, measured in the specified unit expressed, to the nearest foot or metre.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.22 to 305.24 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division V - Physical Characteristics**

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[Amended 2007/06/30 - No Previous Version]

### **305.25**

- (1)** The operator of a heliport shall ensure that
- (a) the heliport has at least one FATO; and
  - (b) no FATO is used to accommodate the manoeuvres of more than one helicopter at a

time.

**(2)** Subject to subsections (3) to (6), the operator of a heliport shall ensure that the heliport meets the requirements set out in the applicable heliport standard in respect of

- (a) FATOs;
- (b) safety areas;
- (c) rejected take-off areas, if applicable;
- (d) helicopter clearways, if applicable;
- (e) TLOFs, if applicable;
- (f) taxiways as follows, if applicable:
  - (i) air taxiways,
  - (ii) helicopter ground taxiways,
  - (iii) helicopter ground taxiway shoulders, and
  - (iv) helicopter ground taxiway strips;
- (g) aprons, if applicable; and
- (h) helicopter parking positions, if applicable.

**(3)** The operator of a surface-level heliport shall ensure that the heliport meets the special requirements for a surface-level heliport set out in the applicable heliport standard in respect of

- (a) TLOFs;
- (b) taxiways; and
- (c) aprons.

**(4)** The operator of an elevated or rooftop heliport shall ensure that the heliport meets the special requirements for an elevated or rooftop heliport set out in the applicable heliport standard in respect of

- (a) TLOFs;

(b) safety nets; and

(c) helicopter parking positions.

**(5)** The operator of a heliport located on an aerodrome primarily designed to serve aeroplanes shall ensure that the heliport meets the special requirements for a heliport located on an aerodrome set out in the applicable heliport standard in respect of

(a) application of additional Standards regarding aerodromes;

(b) FATOs;

(c) ground taxiway separation distances;

(d) taxi-holding positions;

(e) aprons; and

(f) helicopter parking positions.

**(6)** The operator of an H1 heliport shall ensure that the heliport meets the special requirements for an H1 heliport set out in the applicable heliport standard in respect of FATOs and TLOFs.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.26 to 305.28 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division VI - Obstacle Limitation Surfaces**

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[Amended 2007/06/30 - No Previous Version]

### **305.29**

**(1)** Subject to subsections (2) to (4), the operator of a heliport shall establish the following obstacle limitation surfaces in accordance with the applicable heliport standard for a non-instrument, non-precision or precision FATO and meet the special requirements for the surfaces and any obstacles that may affect them, set out in the applicable heliport standard:

(a) approach surfaces;

(b) take-off surfaces; and

(c) transitional surfaces.

**(2)** The operator of an H1 heliport shall ensure that the heliport meets the special requirements for obstacle limitation surfaces for non-instrument FATOs set out in the applicable heliport standard for an H1 heliport in respect of approach or take-off surfaces.

**(3)** The operator of an H1 heliport shall conduct a survey of the approach and take-off surface to determine obstacle information and submit a copy to the Minister at the time of the initial heliport certification and after that at least once every five years, unless no new obstacle has been established in the approach and take-off surface during the five-year period and a report to that effect is made to the Minister.

**(4)** The operator of an H2 heliport shall ensure that the heliport meets the special requirements for obstacle limitation surfaces for non-instrument FATOs set out in the applicable heliport standard for an H2 heliport in respect of approach or take-off surfaces.

**(5)** The operator of a heliport equipped with an instrument FATO shall ensure that the heliport meets the special requirements for obstacle limitation surfaces for instrument FATOs set out in the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.30 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division VII - Visual Aids for Air Navigation**

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[Amended 2007/06/30 - No Previous Version]

### **305.31**

**(1)** The operator of a heliport shall equip the heliport with at least one wind direction indicator and meet the requirements for wind direction indicators set out in the applicable heliport standard.

**(2)** The operator of a heliport shall meet the requirements for heliport markings set out in the applicable heliport standard in respect of



- (a) heliport identification marking;
- (b) in the case of a hospital heliport, hospital heliport identification marking;
- (c) an aiming point marking for each FATO;
- (d) FATO edge marking;
- (e) a FATO designation marking for each FATO;
- (f) a FATO centre line marking for each FATO;
- (g) approach and take-off direction indicator marking;
- (h) a TLOF edge marking for each TLOF;
- (i) the maximum allowable helicopter weight marking for each TLOF;
- (j) the following taxiway markings:
  - (i) taxiway centre line marking,
  - (ii) taxiway holding position marking, and
  - (iii) taxiway edge marking;
- (k) where the apron edge is not easily identifiable, an apron edge marking;
- (l) where a helicopter parking position is provided, a helicopter parking position marking;
- (m) where a helicopter parking position is provided and helicopters are required to have a specific alignment on the parking position, an alignment marking;
- (n) where a helicopter parking position is not large enough for the largest helicopter for which the heliport is designed or where the size of the parking position is limited by the minimum separation requirement to an obstacle or an adjacent parking position, a helicopter parking position information marking; and
- (o) where passengers are required to walk on a specific path on an apron between a helicopter parking position and the passenger terminal, an apron passenger path marking.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 14(F).]

### **305.32 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division VIII - Lights**

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[Amended 2007/06/30 - No Previous Version]

### **305.33**

**(1)** The operator of a heliport shall extinguish, screen or otherwise modify a ground light, other than an aeronautical ground light, that may cause confusion to heliport users within the heliport boundary or other spaces within the boundaries of the control of the heliport operator.

**(2)** The operator of a heliport shall meet the requirements set out in the applicable heliport standard in respect of the installation of

- (a) elevated approach lights;
- (b) elevated lights for operational areas;
- (c) inset lights;
- (d) light intensity and control; and
- (e) a heliport beacon.

**(3)** The operator of a heliport equipped with a non-instrument FATO that is certified to be available for use at night shall provide an approach and take-off direction light that meets the requirements set out in the applicable heliport standard where

- (a) at least one approach and departure path is required to be indicated to pilots; or
- (b) obstacle clearance, noise abatement or air traffic control procedures require that a specific direction be flown.

**(4)** The operator of a heliport shall provide a visual approach slope indicator system that meets the requirements set out in the applicable heliport standard where

- (a) there are inadequate visual references;
- (b) obstacle clearance, noise abatement or air traffic control procedures require that a

particular slope be flown; or

(c) the surrounding terrain may produce misleading information.

**(5)** Where a heliport approach path indicator or an abbreviated heliport approach path indicator is provided at a heliport, the visual approach slope indicator system shall meet the general design requirements and specific requirements set out in the applicable heliport standard.

**(6)** The operator of a heliport shall monitor the visual approach slope indicator system provided at a heliport in accordance with the requirements of the applicable heliport standard.

**(7)** Where a visual approach slope indicator system is provided, the operator of a heliport shall provide an obstacle protection surface (OPS) in accordance with the applicable heliport standard.

**(8)** The operator of a heliport shall provide FATO lights that meet the requirements of the applicable heliport standard for

(a) a surface-level heliport unless the FATO and the TLOF are coincidental or the extent of the FATO is conspicuous;

(b) an instrument FATO; and

(c) where an illuminated TLOF is not provided, a FATO that is certified to be available for use at night unless the FATO edge marking is clearly visible to heliport users by means of external floodlighting.

**(9)** Where a TLOF is not located within a FATO that is certified to be available for use at night, the operator of a heliport shall ensure the aiming point is illuminated in accordance with the applicable heliport standard.

**(10)** The operator of a heliport shall provide TLOF lights consisting of perimeter lights, floodlights or luminescent panels for a TLOF that is certified to be available for use at night and, if the perimeter of the TLOF is not coincidental with that of the FATO, in accordance with the requirements of the applicable heliport standard.

**(11)** Where a rejected take-off area is established for a surface-level heliport that is certified to be available for use at night, the operator of a heliport shall provide in that area rejected take-off area lights in accordance with the requirements of the applicable heliport standard.

**(12)** The operator of a heliport shall provide taxiway centre line lights in accordance with the

requirements of the applicable heliport standard for a taxiway that is used in runway visual range conditions of less than 1200 feet or in conditions of ground visibility of less than one-quarter statute mile.

**(13)** The operator of a heliport shall provide taxiway edge lights in accordance with the requirements of the applicable heliport standard for a taxiway that is available at a heliport that is certified to be available for use at night and that is not provided with taxiway centre line lights.

**(14)** Where an apron is available at a heliport that is certified to be available for use at night, the operator of the heliport shall provide apron edge lights, retro-reflective edge markers or apron floodlighting in accordance with the requirements of the applicable heliport standard.

[Effective 2019/06/14 - Previous Version dated 2015/08/30][Effective 2015/08/30 - Previous Version dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 15; SOR/2019-119, s. 10.]

### **305.34 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division IX - Markers**

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[Amended 2007/06/30 - No Previous Version]

### **305.35**

**(1)** The operator of a heliport shall ensure that the markers installed at the heliport are either flush mounted or lightweight and frangibly mounted and in accordance with the requirements of the applicable heliport standard.

**(2)** The operator of a heliport shall provide FATO markers where

(a) a FATO edge marking is not provided; and

(b) the extent of the FATO and the adjacent ground is not conspicuous.

**(3)** The operator of a heliport shall provide ground taxiway edge markers in accordance with the requirements of the applicable heliport standard if the helicopters must travel along a ground taxiway to or from a FATO to an apron, unless

(a) the edges of the taxiway are conspicuous;

- (b) taxiway centre line lights are provided;
- (c) taxiway edge lights are provided; or
- (d) taxiway centre line markers are provided.

**(4)** The operator of a heliport shall provide air taxiway markers if the helicopters must travel by air to or from a FATO to an apron via a specific corridor in accordance with the applicable heliport standard.

[Effective 2015/08/30 - Previous Version dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 16]

### **305.36 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division X - Visual Aids for Denoting Obstacles**

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[Amended 2007/06/30 - No Previous Version]

### **305.37 Requirements for Marking or Lighting Obstacles**

**(1)** Subject to subsection (4), the operator of a heliport shall ensure that obstacles, other than aircraft, on the movement, manoeuvring and safety areas of the heliport are marked and lighted as follows:

- (a) vehicles and other mobile obstacles on the movement area shall be marked so as to be visible to pilots during aircraft operations;
- (b) where the heliport is used at night or in conditions of low visibility, vehicles and other mobile obstacles on the manoeuvring area shall be lighted;
- (c) elevated aeronautical ground lights on the movement area shall be marked so as to be conspicuous by day; and
- (d) in accordance with the applicable heliport standard, a fixed obstacle located on the safety area shall be
  - (i) marked, and
  - (ii) where the heliport is certified to be available for use at night, lighted.

**(2)** The operator of a heliport shall mark and, if the heliport is certified to be available for use at night, light fixed obstacles located within the area identified in the applicable heliport standard, except where the obstacle is

- (a) shielded by another fixed obstacle that is marked in accordance with Standard 621;
- (b) conspicuous by reason of its shape, dimensions or colour;
- (c) identified in an aeronautical evaluation as being sufficiently lit by ambient light at night;  
or
- (d) not more than 150 m above the adjacent ground and lighted in accordance with Standard 621.

**(3)** The operator of a heliport where a fixed obstacle that is more than 150 m above the surrounding ground is located within the area identified in the applicable heliport standard shall

- (a) light the obstacle by high intensity obstacle lights by day in accordance with Standard 621; or
- (b) mark the obstacle in accordance with the applicable heliport standard.

**(4)** The operator of a heliport shall mark an elevated obstacle on the helicopter ground taxiway strips and, where the heliport is certified to be available for use at night, light the obstacle.

**(5)** The operator of a heliport shall mark and, if applicable, light an obstacle referred to in subsection (2) unless an aeronautical evaluation determines that

- (a) the obstacle is conspicuous by reason of its shape, dimensions or colour; or
- (b) retro-reflective tape or markers are sufficiently conspicuous to be used instead of lights.

[Effective 2019/06/14 - Previous Version dated 2015/08/30][Effective 2015/08/30 - Previous Version dated 2011/12/31][Amended 2011/12/31 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2011-285, s. 7; SOR/2015-160, s. 17; SOR/2019-119, s. 11(E).]

### **305.38 Marking Obstacles**

**(1)** The operator of a heliport shall ensure that a fixed obstacle or a mobile obstacle on the heliport is marked in accordance with the requirements of the applicable heliport standard.

**(2)** Obstacles required to be marked shall, in accordance with Standard 621, be

- (a) coloured;
- (b) marked by markers; or
- (c) marked by flags.

[Amended 2011/12/31 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2011-285, s. 7.]

### **305.39 Lighting Obstacles**

- (1)** The operator of a heliport shall light a fixed obstacle in accordance with Standard 621.
- (2)** The operator of a heliport shall ensure that maintenance and service vehicles in use display lights in accordance with the requirements of the applicable heliport standard.
- (3)** The operator of a heliport shall ensure that emergency vehicles in use that are required to be lighted display the lights specified in the applicable heliport standard.

[Amended 2011/12/31 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2011-285, s. 7.]

### **305.40 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division XI - Visual Aids for Denoting Restricted Use Areas**

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[Amended 2007/06/30 - No Previous Version]

### **305.41**

- (1)** When a FATO, helicopter parking position, taxiway, or any part of those areas is permanently closed, the operator of a heliport shall display a closed marking on the area that meets the requirements of the applicable heliport standard.
- (2)** When an area of a heliport is temporarily closed or an area is snow-covered, the heliport operator shall ensure that
  - (a) notice of the closure is
    - (i) included in the *Canada Flight Supplement*, or
    - (ii) reported in a NOTAM; or

(b) a closed marking referred to in subsection (1) is displayed on the affected area.

**(3)** The operator of a heliport shall ensure that non-load-bearing surfaces adjacent to a FATO, helicopter parking position or taxiway that cannot be visually distinguished from load-bearing surfaces are marked as set out in the applicable heliport standard.

**(4)** The operator of a heliport shall ensure that unserviceability markers consisting of flags, cones or marker boards that meet the requirements of the applicable heliport standard and are positioned in conformity with that standard are displayed on any part of a taxiway or apron that is unfit for the movement of aircraft.

**(5)** The operator of a heliport shall ensure that unserviceability lights that meet the requirements of the applicable heliport standard are displayed in conformity with that standard wherever any portion of a taxiway or apron at a heliport that is certified to be available for use at night is unfit for the movement of aircraft.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.42 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division XII - Equipment and Installations**

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[Amended 2007/06/30 - No Previous Version]

### **305.43**

**(1)** The operator of a heliport shall ensure that the lights of a visual approach slope indicator system, when required and installed as specified in subsection 305.33(4), are aligned by means of

(a) a daily inspection of alignment and, if necessary, a correction of any misalignment of more than 3 minutes of arc; or

(b) an automatic shut-off switch installed in the system.

**(2)** The operator of a heliport shall ensure that a fence or other barrier is installed on the heliport and that the fence or other barrier meets the requirements of the applicable heliport standard.



**(3)** The operator of a heliport or a person under the operator's authority shall direct any vehicle that is operated on an apron or manoeuvring area of the heliport or, in the case of a vehicle in a manoeuvring area, shall ensure that the vehicle's operation is under the direction of the air traffic services unit or the heliport operator or a person working under their authority, in accordance with the requirements of the applicable heliport standard.

**(4)** The operator of the heliport shall ensure that the drivers of vehicles on an apron or manoeuvring area are trained for the tasks to be performed and that they know they must comply with instructions issued by the air traffic services unit or the heliport operator or a person working under their authority.

**(5)** The operator of a heliport shall ensure that equipment required for air navigation purposes that is located on a safety area, a taxiway strip or within the separation distances specified in the applicable heliport standard is located, constructed and installed in accordance with that standard.

**(6)** The operator of a heliport shall ensure that visual aids, precision approach FATO lights and centre line lights on a taxiway are maintained in accordance with the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.44 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division XIII - Emergency and Other Services**

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[Amended 2007/06/30 - No Previous Version]

### **305.45 Emergency Response Plan**

**(1)** The operator of a heliport shall develop and have available a heliport emergency response plan at the heliport.

**(2)** The operator of a heliport shall identify in the emergency response plan those organizations that are capable of providing assistance in responding to an emergency at the heliport or in its vicinity.

**(3)** The operator of a heliport shall specify in the emergency response plan the procedures to

be followed for

- (a) an aircraft crash or other accident within the heliport perimeter;
- (b) an aircraft crash outside the heliport perimeter; and
- (c) any medical emergency.

**(4)** Where an approach and departure path at a heliport is located over water, the operator of the heliport shall specify in the emergency response plan

- (a) the organization that is responsible for co-ordinating rescue in the event of an aircraft ditching; and
- (b) how to contact that organization.

**(5)** The operator of a heliport shall include in the emergency response plan the information required in accordance with Standard 325 - Heliport Standards.

**(6)** The operator of a heliport shall consult with all organizations identified in the emergency response plan concerning their role in it.

**(7)** The operator of a heliport shall annually review the emergency response plan and update the information.

**(8)** The operator of a heliport that provides a scheduled service for the transport of passengers shall carry out a test of the emergency response plan at intervals not exceeding three years.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.46 Fire Protection Services**

**(1)** The operator of a surface-level heliport or of a heliport over a parking garage or on an elevated structure that is not an occupied building shall ensure that fire protection services are provided at the heliport and that those services and the fire resistance of the structure meets the requirements of the applicable heliport standard.

**(2)** The operator of a rooftop heliport shall ensure that fire protection services are provided at the heliport and that those services and the fire resistance of the structure meets the requirements of the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.47 Extinguishing Agents and Equipment**

The operator of a heliport shall

- (a) determine the requirements for extinguishing agents and equipment used for fire protection at the heliport based on the longest dimension helicopter for which the heliport has been certified;
- (b) ensure that the agents and equipment are in accordance with the applicable heliport standard; and
- (c) provide a fire extinguisher or fire fighting system that is protected from freezing.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.48 Safety Personnel for Rooftop Heliport**

The operator of a rooftop heliport shall ensure that a minimum of one trained safety person is in attendance during helicopter operations.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.49 Training for Safety Personnel**

The operator of a heliport shall provide initial and refresher training to safety personnel provided at the heliport in accordance with the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.50 to 305.52 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Division XIV - Heliport Operations Manual**

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[Amended 2007/06/30 - No Previous Version]

### **305.53 General**

**(1)** The provisions of this Subpart that specify the procedures for making a heliport operations manual also apply in respect of any amendment to the manual.

**(2)** The operator of a heliport shall set out in the heliport operations manual

(a) the heliport certification Standards that were met for issuance of the heliport certificate;  
and

(b) the level and types of services to be provided by the operator of the heliport.

**(3)** Repealed

[Effective 2019/08/08 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2019-295, s. 9.]

### **305.54 Heliport Data**

**(1)** The operator of a heliport shall determine and record in the heliport operations manual, the following data in respect of the heliport in accordance with the applicable heliport standard:

(a) geographic coordinates for

(i) the heliport reference point if

(A) the heliport is not located on an aerodrome that already has a reference point,  
and

(B) the heliport operator intends to have a zoning regulation made under the  
*Aeronautics Act*,

(ii) the heliport geometric centre,

(iii) the FATO coordinates,

(iv) the heliport elevation,

(v) the heliport magnetic variation, and

(vi) where installed, the electronic navigation aids; and

(b) information in respect of

(i) the heliport type,

(ii) the dimensions, slope and surface type of all TLOFs,

(iii) the length, width, slope, category, surface type and designation number of all

FATOs,

- (iv) the length, width and surface type of all safety areas,
- (v) the designation, width and surface type of helicopter ground and air taxiways,
- (vi) the apron surface type and description of helicopter parking positions, and
- (vii) the declared distances for
  - (A) take-off distance available,
  - (B) rejected take-off distance available, and
  - (C) landing distance available.

**(2)** The operator of a heliport shall ensure that a heliport geometric centre is redetermined and recorded in the manual if the physical characteristics of the heliport change because

- (a) an existing FATO is closed;
- (b) the boundaries of an existing FATO are altered; or
- (c) a new FATO is constructed.

**(3)** The operator of a heliport shall report the heliport data specified in paragraph (1)(a) to the *Aeronautical Information Services* of NAV Canada within 14 days after the Minister's approval of certification.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.55 Administration**

The operator of a heliport shall ensure that the heliport operations manual contains

- (a) a table of contents; and
- (b) information relating to the administration of the heliport including but not limited to
  - (i) a copy of any amendments to the manual and the page numbers affected,
  - (ii) a list of holders of copies of the manual or of portions of it,
  - (iii) a description of a procedure for amending the manual,

- (iv) a description of the organizational structure of the heliport management,
- (v) a description of the operational procedures of the heliport,
- (vi) a declaration, signed and dated by the operator, in which they agree to fulfill the obligations of the operator referred to in Section 305.17,
- (vii) a statement, signed and dated by the operator, certifying that their heliport operations manual is complete and accurate, and that the operator agrees to comply with all of the conditions and specifications set out in it,
- (viii) a statement, signed by the Minister, that the heliport operations manual and any amendments to it have been approved,
- (ix) a copy of any agreement or memorandum of understanding that affects the operation of the heliport, including the provision of emergency services at the heliport, and
- (x) the information necessary to verify that the heliport meets the applicable heliport standard.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8; SOR/2015-160, s. 18(F).]

### **305.56**

The operator of a heliport shall ensure that their heliport operations manual sets out the information specified in subsection 305.25(1).

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.57**

The operator of a heliport shall ensure that the following are provided in accordance with the applicable heliport standard and recorded in their heliport operations manual:

- (a) the applicable physical characteristics set out in Section 305.25;
- (b) the obstacle limitation surfaces set out in Section 305.29;
- (c) the visual aids for navigation set out in Section 305.31;
- (d) the lighting or marking of obstacles set out in Section 305.37;

(e) the visual aids utilized for denoting restricted use areas set out in Section 305.41;

(f) the equipment and installations set out in Section 305.43; and

(g) the emergency response plan set out in Section 305.45.

[Amended 2007/06/30 - No Previous Version]

[SOR/2007-87, s. 8.]

### **305.58 to 305.67 Reserved**

[Amended 2007/06/30 - No Previous Version]

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## **Subpart 6 - Reserved**

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[Amended 2017/01/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 2002/06/10][Amended 2002/06/10 - No Previous Version]

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## **Subpart 7 - Aerodromes - Consultations**

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### **307.01 Interpretation**

The following definitions apply in this Subpart.

"aerodrome work" - means work, other than work necessary to comply with a new requirement imposed by or under the Act, carried out for any of the following purposes:

(a) building a new aerodrome; or

(b) at an existing aerodrome,

(i) building a new runway for aeroplanes, or

(ii) increasing the length of an existing runway for aeroplanes by more than 100 m or 10%, whichever is greater. (*travaux d'aérodrome*)

"proponent" - means a person who proposes to carry out aerodrome work. (*promoteur*)

"protected area" - means a natural area or habitat that is protected by or under federal legislation. (*aire protégée*)

[Effective 2019/06/14 - Previous Version Dated 2017/01/01][Effective 2017/01/01 - Previous Version Dated 2002/06/10]

[SOR/2016-261, s. 3; SOR/2019-119, s. 12.]

### **307.02 Application**

This Subpart applies to existing and proposed aerodromes that are not

- (a) military aerodromes;
- (b) water aerodromes;
- (c) aerodromes that are used primarily for agricultural operations;
- (d) aerodromes, including heliports, that are used primarily for helicopter operations; and
- (e) aerodromes that are used as temporary installations for the purpose of providing emergency services, such as forest fire suppression, law enforcement activities, and search and rescue operations, and responding to a medical emergency.

[SOR/2016-261, s. 3.]

### **307.03 Requirement - Consultations**

The proponent shall consult with the interested parties in accordance with the requirements of this Subpart.

[SOR/2016-261, s. 3.]

### **307.04 Interested Parties**

**(1)** For the purposes of this Subpart, the interested parties are the following:

- (a) if a built-up area of a city or town is located within a radius of 4 000 m from the location of the proposed aerodrome work,
  - (i) the Minister,
  - (ii) the providers of air navigation services,
  - (iii) the operator of a certified or registered aerodrome located within a radius of 30 nautical miles from the location of the proposed aerodrome work,
  - (iv) the authority responsible for a protected area located within the radius of 4 000 m from the location of the proposed aerodrome work,
  - (v) any local land use authority where the proposed aerodrome work is to be carried



out, and

(vi) members of the public who are within the radius of 4 000 m from the location of the proposed aerodrome work; or

(b) in any other case,

(i) the Minister,

(ii) the providers of air navigation services,

(iii) the operator of a certified or registered aerodrome located within a radius of 30 nautical miles from the location of the proposed aerodrome work,

(iv) the authority responsible for a protected area located within a radius of 4 000 m from the location of the proposed aerodrome work,

(v) any local land use authority where the proposed aerodrome work is to be carried out, and

(vi) the owner of any land bordering the land on which the proposed aerodrome work is to be carried out.

**(2)** For the purposes of subsection (1), the radius of 4 000 m from the location of the proposed aerodrome work shall be measured from the outer perimeter of the site of that location.

[SOR/2016-261, s. 3.]

### **307.05 Notice and Sign**

The proponent shall, at least 75 days before the expected start date of the proposed aerodrome work,

(a) provide a notice of the proposed aerodrome work to the interested parties referred to in subparagraphs 307.04(1)(a)(i) to (v) or paragraph 307.04(1)(b), as applicable; and

(b) in the case referred to in paragraph 307.04(1)(a), place a sign, in plain view of the public, at the location where the proposed aerodrome work is to be carried out.

[SOR/2016-261, s. 3.]

### **307.06 Content of Notice and Sign**

The proponent shall include the following information on the notice and the sign:

- (a) a drawing showing the location of the proposed aerodrome work;
- (b) a description of the proposed aerodrome work and its purpose;
- (c) the expected start date and completion date of the proposed aerodrome work;
- (d) a statement that the interested parties may provide their comments or objections to the proponent with respect to the proposed aerodrome work;
- (e) contact information, including the mailing address, phone number and email address, for the contact persons to whom the interested parties may provide their comments or objections; and
- (f) the period, which shall be at least 45 days, during which the interested parties may provide their comments or objections.

[SOR/2016-261, s. 3.]

### **307.07 Summary Report**

At the end of the period referred to in paragraph 307.06(f), the proponent shall prepare a summary report that includes the following:

- (a) a description of the proposed aerodrome work;
- (b) a description of the measures taken by the proponent to comply with the requirements of this Subpart;
- (c) the interested parties who were notified of the proposed aerodrome work; and
- (d) a summary of the comments and objections received, the actions that the proponent proposes to take to address those comments and objections, and any objections that were not addressed, if applicable.

[SOR/2016-261, s. 3.]

### **307.08 Communication of Summary Report**

The proponent shall, as soon as practicable after the end of the period referred to in paragraph 307.06(f), provide the summary report to the Minister and make it available to the interested parties.

[SOR/2016-261, s. 3.]

### **307.09 Availability of Summary Report**

The proponent shall ensure that the summary report is available to the interested parties for at least five years after the date on which it is made available to them.

[SOR/2016-261, s. 3.]

### **307.10 Start of Aerodrome Work**

**(1)** The proponent shall not start the proposed aerodrome work before the end of 30 days after the date on which the summary report is provided to the Minister.

**(2)** If the proponent does not start the proposed aerodrome work within five years after the date on which the summary report is provided to the Minister, the proponent shall once again comply with the requirements of this Subpart.

[SOR/2016-261, s. 3.]

[Amended 2012/01/01 - Previous Version Dated 2002/06/10]

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## **Subpart 8 - Aircraft Emergency Intervention at Airports**

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Repealed

[Repealed 2006/06/30 - Previous Version Dated 2002/06/10][Amended 2002/06/10 - No Previous Version]

[SOR/2006-86, s. 9]

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## **Part V - Airworthiness**

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### **500.01 Interpretation**

In this Part,

“rotorcraft” - means a gyroplane or a helicopter.

[Amended 2009/12/01 - Previous Version Dated 1998/12/01]

[SOR/98-526, s. 2; SOR/2009-280, s. 23.]

[Amended 1998/12/01 - No Previous Version]

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## **Subpart 1 - Annual Airworthiness Information Report**

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### 501.01 Requirement to Report

(1) Subject to subsection (2), the owner of a Canadian aircraft, other than a remotely piloted aircraft having a maximum take-off weight of 25 kg (55 pounds) or less or an ultra-light aeroplane, shall submit to the Minister an *Annual Airworthiness Information Report* in respect of the aircraft, in the form and manner specified in Chapter 501 of the *Airworthiness Manual*, either as

(a) an individual report; or

(b) where approved in conformity with Chapter 501 of the *Airworthiness Manual*, a consolidated fleet report.

(2) The submission of the *Annual Airworthiness Information Report* is not required where the aircraft is out of service and its owner

(a) reports, in the form and manner specified in Chapter 501 of the *Airworthiness Manual*, that the aircraft is out of service and is expected to remain out of service for one or more of the reporting periods for which an *Annual Airworthiness Information Report* would otherwise be required; and

(b) notifies the Minister forthwith when that aircraft is brought back into service.

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 11.]

### 501.02 Information to Be Reported

The owner of a Canadian aircraft shall provide in the *Annual Airworthiness Information Report* the information on the characteristics of the aircraft and on the maintenance of its airworthiness that is specified in Chapter 501 of the *Airworthiness Manual*.

### 501.03 Reporting Schedule

The owner of a Canadian aircraft shall submit the *Annual Airworthiness Information Report* to the Minister each year by not later than March 30 following the calendar year for which the Report was prepared or another date agreed on, beforehand, by the owner and the Minister.

[Effective 2020/01/01 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 18; SOR/2021-152, s. 7(F).]

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## Subpart 7 - Flight Authority and Certificate of Noise

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## Compliance

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[Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 1]

### 507.01 Application

This Subpart applies in respect of aircraft, other than remotely piloted aircraft having a maximum take-off weight of 25 kg (55 pounds) or less, ultra-light aeroplanes and hang gliders, that are

- (a) Canadian aircraft; or
- (b) operated in Canadian airspace.

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 12.]

### 507.02 Certificate of Airworthiness

Where an application for a flight authority is made pursuant to Section 507.06, the Minister shall issue a certificate of airworthiness in respect of an aircraft

- (a) for which an aircraft type design has been certified by the Minister and the certification is not in respect of a restricted category aircraft;
- (b) that conforms to its certified type design; and
- (c) that is safe for flight.

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 24.]

### 507.03 Special Certificate of Airworthiness

Where an application for a flight authority is made pursuant to Section 507.06, the Minister shall issue a special certificate of airworthiness in respect of an aircraft that

- (a) meets the criteria for one of the classifications of a special certificate of airworthiness specified in Chapter 507 of the *Airworthiness Manual*;
- (b) conforms to the applicable type design or, in the case of an amateur-built aircraft, is designed and constructed in a way that ensures its airworthiness, in conformity with the

requirements of Chapter 549 of the *Airworthiness Manual*; and

(c) is safe for flight.

#### **507.04 Flight Permit**

Where an application for a flight authority is made pursuant to Section 507.06, the Minister shall issue a flight permit in respect of an aircraft that meets the criteria for one of the classifications of a flight permit specified in Chapter 507 of the *Airworthiness Manual* and that is safe for flight.

#### **507.05 Validation of Foreign Flight Authority**

Where an aircraft is operating under a foreign flight authority that is issued in respect of the aircraft or the fleet of which it is a part and that does not conform to Article 31 of the Convention, and the Minister determines that the aircraft is safe for flight, the Minister shall validate the foreign flight authority, thereby authorizing the operation of the aircraft in Canadian airspace.

#### **507.06 Application for Flight Authority**

**(1)** An application for a flight authority shall be signed by the owner of the aircraft in respect of which it is submitted, or by a representative of the owner as defined in Chapter 507 of the *Airworthiness Manual*.

**(2)** A person who applies for a flight authority shall do so in the form and manner specified in Chapter 507 of the *Airworthiness Manual*.

**(3)** An applicant for a flight authority shall include with the application a declaration, made by a person authorized to do so pursuant to Section 507.10, attesting that

(a) in the case of an application for a certificate of airworthiness, the aircraft meets the requirements of Section 507.02;

(b) in the case of an application for a special certificate of airworthiness, the aircraft meets the requirements of Section 507.03; or

(c) in the case of an application for a flight permit, the aircraft meets the requirements of Section 507.04.

**(4)** In the case of an application to validate a foreign flight authority, the applicant shall submit a copy of the foreign flight authority, including any operational limitation imposed in respect of

that flight authority.

**(5)** The Minister may inspect, or may cause to be inspected, any aircraft for which an application for flight authority has been made, for the purposes of determining conformity with its type design and compliance with the applicable requirements of these Regulations.

#### **507.07 Flight Authority for an Imported Aircraft**

Where an application for a flight authority is made in respect of an aircraft being imported, the applicant must comply with the importation requirements specified in Chapter 507 of the *Airworthiness Manual*.

#### **507.08 Issuance of Additional Flight Authority**

**(1)** When the owner of an aircraft requests an additional flight authority in accordance with Section 507.06 and demonstrates compliance with the applicable standards contained in Standard 507 - *Flight Authority and Certificate of Noise Compliance* and if the aircraft is safe for flight, the Minister shall issue

(a) in the case of an aircraft that has been damaged or has inoperative systems such that it no longer conforms to the conditions of the flight authority, an additional flight authority to allow the aircraft to be flown to a location where the required maintenance can be performed; or

(b) in the case of an aircraft that has been modified to allow multiple configurations one of which results in the aircraft no longer meeting the conditions of issue of the existing flight authority, an additional flight authority in respect of the new configuration.

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

**(2)** Where an additional flight authority is issued in respect of an aircraft pursuant to this Section,

(a) the additional flight authority takes effect when an entry indicating that it is in effect, is made in the aircraft journey log; and

(b) except where provided for by technical dispatch procedures required by subsection 706.06(1), the flight authority specified in the most recent journey log entry made pursuant to paragraph 571.06(3)(a) remains in effect until a new flight authority is specified.

[SOR/2003-154, s. 4.]

#### **507.09 Operating Conditions**

Where an aircraft does not meet the requirements for the issue of a flight authority that conforms to Article 31 of the Convention, the Minister shall make the flight authority subject to operating conditions where the conditions are required to ensure the safety of the aircraft, other aircraft, persons, animals or property.

#### **507.10 Persons Who May Attest to Condition and Conformity**

No person shall make a declaration of an aircraft's condition or conformity to its certified type design for the purpose of obtaining a flight authority other than the holder of an aircraft maintenance engineer (AME) licence issued pursuant to Part IV or

(a) in the case of a new aircraft, an authorized representative of the manufacturer; or

(b) in the case of an aircraft that is operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, the owner of the aircraft.

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-112, s. 2.]

#### **507.11 Duration of a Flight Authority**

Unless surrendered, suspended or cancelled, a flight authority issued pursuant to this Subpart remains in force during the period or for the number of flights specified in it or, where no limit is specified, indefinitely, if the aircraft continues to meet the conditions subject to which the flight authority was issued.

#### **507.12 Alteration of Document**

No person other than the Minister shall amend a flight authority issued pursuant to this Subpart.

#### **507.13 Replacing a Lost or Destroyed Flight Authority**

The Minister shall replace a lost or destroyed flight authority of a Canadian aircraft on receipt of a written application from the registered owner, or from a representative of the owner as specified in Standard 507 - *Flight Authority and Certificate of Noise Compliance*, if the aircraft continues to meet the requirements for the issue of the flight authority.

[Amended 2003/06/01 - No Previous Version]

[SOR/2003-154, s. 5.]

#### **507.14 to 507.19 Reserved**

[Amended 2003/06/01 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - No Previous Version]



### 507.20 Certificate of Noise Compliance

If an application for a certificate of noise compliance is made in respect of an aircraft under Section 507.21 and the aircraft meets the applicable noise emission levels specified in Chapter 516 of the *Airworthiness Manual*, the Minister shall issue the certificate.

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 2.]

### 507.21 Application for a Certificate of Noise Compliance

**(1)** An application for a certificate of noise compliance shall be signed by the owner or operator of the aircraft in respect of which it is submitted or by a representative of the owner within the meaning of Chapter 507 of the *Airworthiness Manual*.

**(2)** A person who applies for a certificate of noise compliance shall do so in the form and manner specified in Chapter 507 of the *Airworthiness Manual*.

**(3)** An applicant for a certificate of noise compliance shall include with the application evidence that the aircraft meets the noise emission levels referred to in Section 507.20.

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 2.]

### 507.22 Suspension of a Certificate of Noise Compliance

A certificate of noise compliance is suspended and shall be surrendered to the Minister on request if the aircraft in respect of which it was issued no longer meets the noise emission levels referred to in Section 507.20.

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 2.]

### 507.23 Validation of a Foreign Certificate of Noise Compliance

In the process of validating a foreign flight authority in respect of an aircraft under Section 507.05, if a foreign certificate of noise compliance is in effect in respect of the aircraft, the Minister shall validate the foreign certificate of noise compliance in the form and manner specified for the validation of the flight authority.

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 2.]

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## Subpart 9 - Export Airworthiness Certificates

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### 509.01 Application

This Subpart applies in respect of the following aircraft if they meet the export requirements specified in Chapter 509 of the *Airworthiness Manual*, except for aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, remotely piloted aircraft having a maximum take-off weight of 25 kg (55 pounds) or less, ultra-light aeroplanes and hang gliders:

- (a) new aircraft manufactured in Canada;
- (b) Canadian aircraft in respect of which a Certificate of Airworthiness has been issued pursuant to Subpart 7; or
- (c) aircraft that were last registered in Canada but are no longer registered in any state.

[Effective 2019/01/09 - Previous Version Dated 2002/03/01][Amended 2002/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-112, s. 3; SOR/2019-11, s. 13.]

### 509.02 Application for an Export Airworthiness Certificate

- (1) A person who applies for an Export Airworthiness Certificate shall do so in the form and manner specified in Chapter 509 of the *Airworthiness Manual*.
- (2) An applicant for an Export Airworthiness Certificate shall include with the application a declaration made by a person authorized to do so pursuant to Section 509.04, attesting that the aircraft conforms to the certified type design specified in the application.

### 509.03 Authority for Export

- (1) Subject to subsection (2), the Minister shall issue an Export Airworthiness Certificate where the aircraft in respect of which the application is made conforms to
  - (a) the type design specified in a type certificate; or
  - (b) another type design specified in the application, where the aircraft is being exported to a state with which Canada has entered into an agreement that provides for the acceptance of Export Airworthiness Certificates and the aircraft conforms to any special requirements specified by that state.

(2) Where an aircraft does not meet the requirements of subsection (1), the Minister may issue an Export Airworthiness Certificate that specifies the non-conformity to the applicable type design or any special requirement and the acceptance of that non-conformity by the state to which the aircraft is being exported.

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 25.]

#### **509.04 Persons Who May Attest to Condition and Conformity**

No person shall make a declaration of an aircraft's condition or conformity to its certified type design for the purpose of obtaining an Export Airworthiness Certificate in respect of the aircraft, other than

- (a) the holder of an aircraft maintenance engineer (AME) licence issued pursuant to Part IV that is applicable to that aircraft type; or
- (b) in the case of a new aircraft manufactured in Canada, an authorized representative of the manufacturer.

#### **509.05 Responsibilities of the Exporter**

Where an Export Airworthiness Certificate has been issued in respect of an aircraft, the owner of the aircraft shall, on transfer of its title,

- (a) forward to the new owner all of the documents and information required by Chapter 509 of the *Airworthiness Manual*;
- (b) where the exported aircraft is disassembled, forward to the new owner the manufacturer's assembly instructions and the other documents relating to the aircraft specified in Chapter 509 of the *Airworthiness Manual*; and
- (c) ensure that the temporary equipment, if any, incorporated into the aircraft for the purpose of the export delivery flight is removed and the aircraft is restored to the configuration approved in the type certificate.

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## **Subpart 11 - Approval of the Type Design of an Aeronautical Product**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 2003/06/05][Amended 2003/06/05 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 26]

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## **Subpart 13 - Approval of Modification and Repair Designs**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 2003/06/05][Amended 2003/06/05 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 16 - Aircraft Emissions**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 21 - Approval of the Type Design or a Change to the Type Design of an Aeronautical Product**

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### **Division I - General**

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#### **521.01 Interpretation**

The following definitions apply in this Subpart.

“aeronautical product” - means an aircraft, aircraft engine, aircraft propeller or aircraft appliance or part, or a component part of any of those things. (*produit aéronautique*)

“applicant” - means an individual or organization responsible for the design of an aeronautical product, or a representative of such an individual or organization, that makes an application for the issuance of or a change to a design approval document in respect of an aeronautical product. (*demandeur*)

“design approval document” - means a type certificate, a supplemental type certificate, a repair design approval, a part design approval or a *Canadian Technical Standard Order* (CAN-TSO) design approval. (*document d’approbation de la conception*)

“foreign aeronautical product” - means an aeronautical product for which the state of design is a state other than Canada. (*produit aéronautique étranger*)

“VLA” or “very light aeroplane” - means an aeroplane that has a single engine with a spark or compression ignition, has no more than two seats and is designed and manufactured to have

(a) a maximum certificated take-off weight not exceeding 750 kg; and

(b) a stall speed in the landing configuration ( $V_{SO}$ ) of 45 knots (52 mph) calibrated air speed (CAS), or less. (*VLA ouavion très léger*)

[SOR/2009-280, s. 26.]

### **521.02 Application**

This Subpart applies to applicants for and holders of the following documents and applicants for a change to one of those documents:

(a) a type certificate issued under Section 521.57 in respect of an aeronautical product;

(b) a *Canadian Technical Standard Order* (CAN-TSO) design approval issued under Section 521.109 in respect of an appliance or a part;

(c) a supplemental type certificate issued under Section 521.206 in respect of an aeronautical product;

(d) a repair design approval issued under Section 521.256 in respect of an aeronautical product; and

(e) a part design approval issued under Section 521.306 in respect of a replacement part for an aeronautical product.

[SOR/2009-280, s. 26.]

### **521.03 Appliances and Parts**

An appliance or a part, other than a standard part, may be approved by the issuance of any one of the following:

- (a) a Canadian Technical Standard Order (CAN-TSO) design approval;
- (b) a type certificate, in the case of an appliance or part that is part of an aeronautical product on which it is installed;
- (c) a supplemental type certificate, in the case of an appliance or part that is part of a change to the type design of an aeronautical product; or
- (d) a part design approval, in the case of a part that is a replacement part.

[SOR/2009-280, s. 26.]

### **521.04 to 521.24 Reserved**

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## **Division II - Type Certificates**

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### **521.25 Application**

This Division applies

- (a) in respect of the issuance of a type certificate for an aeronautical product; and
- (b) to applicants for and holders of a type certificate in respect of an aeronautical product.

[SOR/2009-280, s. 26.]

### **521.26 Eligibility Requirements**

An applicant for a type certificate in respect of an aeronautical product shall have, or have access to, the technical capability to conduct the design analyses and tests required to demonstrate the conformity of the aeronautical product with its certification basis.

[SOR/2009-280, s. 26.]

### **521.27 Aircraft Categories**

**(1)** An applicant may, in the case of an aircraft, request a type certificate in respect of the following aircraft categories or any combination of them:

- (a) normal category;
- (b) utility category;
- (c) aerobatic category;

- (d) commuter category;
- (e) transport category; or
- (f) restricted category.

**(2)** An applicant may, in the case of an aircraft for which no standards of airworthiness are listed in subsection 521.31(1), request a type certificate in respect of an aircraft category that is not listed in subsection (1).

[SOR/2009-280, s. 26.]

### **521.28 Application for a Type Certificate**

An applicant for a type certificate in respect of an aeronautical product shall submit to the Minister

- (a) an application that contains the information specified on the form published by the Minister entitled Type Certificate Application;
- (b) a description of the aeronautical product that contains, in addition to its principal design features and its specifications,
  - (i) in the case of an aircraft, a three-view drawing, the preliminary data respecting the design and performance, and the proposed operating characteristics and limitations, and
  - (ii) in the case of an aircraft engine or propeller, a general arrangement drawing, and the proposed operating characteristics and limitations;
- (c) a proposed certification basis; and
- (d) a certification plan that identifies
  - (i) the means to be used to demonstrate that the aeronautical product conforms to the applicable certification basis,
  - (ii) the documentation that demonstrates the conformity of the aeronautical product with the applicable certification basis,
  - (iii) the resources necessary for carrying out the demonstration of conformity referred to in subparagraph (i), and
  - (iv) the schedule for carrying out the demonstration of conformity referred to in

subparagraph (i).

[SOR/2009-280, s. 26.]

### **521.29 Effective Period of an Application**

**(1)** Unless an applicant demonstrates, at the time of submitting an application for a type certificate in respect of an aeronautical product, that a longer period is required for the design, development and testing of the product, and for that reason the Minister approves a longer period, the application is effective during one of the following periods, beginning on the date of the application:

(a) five years, in the case of a transport category aeroplane or a transport category rotorcraft; or

(b) three years, in the case of

(i) an aircraft other than an aircraft referred to in paragraph (a),

(ii) an aircraft engine, or

(iii) an aircraft propeller.

**(2)** If a type certificate is not issued within the applicable effective period referred to in subsection (1), the applicant may

(a) submit a new application for a type certificate; or

(b) apply for an extension of the effective period of the original application.

**(3)** If the effective period of an application for a type certificate is extended under paragraph (2)(b), the standards of airworthiness applicable to the aeronautical product are those in force on the date that precedes, by one of the periods referred to in subsection (1), the date of the issuance of the type certificate.

[SOR/2009-280, s. 26.]

### **521.30 Certification Basis**

**(1)** The Minister shall establish, in respect of an aeronautical product, a certification basis consisting of

(a) subject to subsections (2) to (5), the applicable standards of airworthiness referred to in Section 521.31 that are in force on the date of application for the type certificate, unless the



applicant

(i) elects to include in the certification basis later amendments to those standards of airworthiness, in accordance with subsection (5), or

(ii) is required to comply with later amendments to the standards of airworthiness in accordance with subsection 521.29(3);

(b) the applicable aircraft emissions standards referred to in Section 521.32;

(c) any special conditions that are necessary to ensure that the type design of an aeronautical product having a novel or unusual design feature provides a level of safety equivalent to that provided by the standards of airworthiness in force on the date of application for the type certificate;

(d) any finding of equivalent safety based on any factors or design features that provide for an alternate means of compliance with the standards of airworthiness in force on the date of application for the type certificate; and

(e) any exemptions.

**(2)** In the case of an aeronautical product to which no complete standards of airworthiness referred to in Section 521.31 apply, the applicable standards of airworthiness are the portions of the standards of airworthiness referred to in Section 521.31 that are in force on the date of application for the type certificate.

**(3)** In the case of an aircraft, including its engine and propeller, that is designed in accordance with the requirements of, and accepted for use by, the Department of National Defence, other than an aircraft referred to in paragraph (4)(b), the applicable standards of airworthiness are those referred to in Section 521.31

(a) that are appropriate to the type of aircraft, the number and type of its engines and propellers, and its MCTOW; and

(b) that provide a level of safety equivalent to that provided by the standards of airworthiness in force on the date that the aircraft was accepted for use by that Department.

**(4)** In the case of an aircraft for which a type certificate in the restricted category is requested, the applicable standards of airworthiness are

(a) the standards of airworthiness referred to in Section 521.31 that are in force on the date

of application for the type certificate, except for those that are inappropriate for the use specified on the application for the type certificate; or

(b) the design and performance requirements established by the Department of National Defence in respect of the aircraft on the date that the aircraft was accepted for use by that Department.

(5) An applicant may elect to include in the certification basis later amendments to the applicable standards of airworthiness referred to in subsections (1) to (4), if the applicant complies with any other amendment that is directly related to those standards.

[SOR/2009-280, s. 26.]

### **521.31 Standards of Airworthiness**

(1) For the issuance of a type certificate in respect of an aeronautical product, the standards of airworthiness, including the aircraft categories set out in subsection 521.27(1), are those specified in the following Chapters of the *Airworthiness Manual*, as applicable:

(a) Chapter 522 - Gliders and Powered Gliders;

(b) Chapter 523 - Normal, Utility, Aerobatic and Commuter Category Aeroplanes;

(c) Chapter 523 - VLA - Very Light Aeroplanes;

(d) Chapter 525 - Transport Category Aeroplanes;

(e) Chapter 527 - Normal Category Rotorcraft;

(f) Chapter 529 - Transport Category Rotorcraft;

(g) Chapter 531 - Manned Free Balloons;

(h) Chapter 533 - Aircraft Engines;

(i) Chapter 535 - Propellers; and

(j) Chapter 541 - Airships.

(2) The standards of airworthiness for the design and installation of an item of aircraft equipment required by Part VI or VII are

(a) those specified in Chapter 551 - Aircraft Equipment and Installation of the *Airworthiness Manual*; or

(b) if no standards of airworthiness for the design and installation of the item of aircraft equipment are specified in Chapter 551 - Aircraft Equipment and Installation of the *Airworthiness Manual*, those specified in the certification basis of the aircraft on which the equipment is installed.

[SOR/2009-280, s. 26; SOR/2019-119, s. 19(F).]

### **521.32 Aircraft Emissions Standards**

The aircraft emissions standards applicable to the issuance of a type certificate are the following:

(a) in the case of an aircraft other than an aircraft for which certification is requested in the restricted category for use in agricultural operations or fire prevention and suppression, the noise standards specified in Subchapter A of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*;

(b) in the case of a turbine-powered aircraft, the standards respecting the prevention of intentional fuel venting specified in Subchapter B of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*;

(c) in the case of an aircraft engine the smoke and gaseous aircraft emissions standards specified in Subchapter B of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*; and

(d) in the case of an aircraft, the carbon dioxide (CO<sub>2</sub>) emissions standards specified in Subchapter C of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*.

[Effective 2020/12/09 - Previous Version dated 2009/12/01]

[SOR/2009-280, s. 26; SOR/2020-251, s. 1.]

### **521.33 Conformity with Certification Basis**

An applicant for a type certificate in respect of an aeronautical product shall

(a) demonstrate to the Minister that the aeronautical product conforms to the certification basis established by the Minister under Section 521.30;

(b) submit to the Minister a declaration attesting to the demonstration of conformity of the aeronautical product with its certification basis;

(c) make available to the Minister the means by which conformity is established;

(d) in the case of an aircraft, record the noise levels in its flight manual or in a supplement

to that manual using the *Guidelines for the Administration of Noise Certification Documentation* set out in Attachment G of Annex 16, Volume I to the Convention; and

(e) submit to the Minister for approval any manuals, instructions and limitations that are required by the certification basis established in respect of the aeronautical product.

[SOR/2009-280, s. 26.]

### **521.34 to 521.43 Reserved**

### **521.44 Inspections and Tests**

An applicant for a type certificate in respect of an aeronautical product shall

(a) ensure, before conducting a test, that the item to be tested conforms to the drawings, specifications and manufacturing processes proposed for the type design of the aeronautical product and that the measuring device and test equipment to be used are appropriate and calibrated for the test;

(b) ensure that the equipment and procedures used for conducting a test flight meet the requirements set out in Sections 521.45 and 521.46;

(c) conduct all the inspections, analyses and tests necessary to demonstrate to the Minister that the type design of the aeronautical product conforms to its certification basis;

(d) in accordance with the certification plan, submit to the Minister for review the data and reports resulting from the inspections, analyses and tests conducted under paragraph (c); and

(e) provide the Minister with access to the aeronautical product for the purpose of making any inspection, making any engineering assessment, or conducting or witnessing any test,

(i) required to verify the applicant's declaration attesting to the demonstration of conformity of the aeronautical product with its certification basis, or

(ii) required to make a determination of the conformity of the aeronautical product with its certification basis.

[SOR/2009-280, s. 26.]

### **521.45 Test Flights**

**(1)** An applicant for a type certificate in respect of an aeronautical product who conducts a test flight shall

- (a) make provisions for emergency situations and provide the emergency equipment required for the safety of the test flight personnel;
- (b) conduct the inspections, analyses, structural tests, wind tunnel tests and functional tests of the critical systems and components of the aircraft used for the test flight - including an evaluation of the effect of their failure - to ensure that the aircraft will operate safely within the operating limitations and restrictions specified by the applicant;
- (c) provide a pilot who holds a licence endorsed with a rating appropriate for conducting the test flight; and
- (d) conduct the test flight in accordance with the conditions specified by the Minister in a flight authority issued in respect of that flight.

**(2)** The applicant shall, before conducting the first test flight of an aircraft type, submit

- (a) a written airworthiness declaration attesting that the aircraft being used for the test flight satisfies the conditions referred to in paragraph (1)(b); and
- (b) a written declaration attesting to the condition of the aircraft and its conformity with the configuration specified for the purposes of the test flight, made by a person authorized to do so by the manufacturer of the aircraft.

[SOR/2009-280, s. 26.]

### **521.46 Test Flight Operations**

**(1)** An applicant for a type certificate in respect of an aeronautical product who intends to conduct a test flight and who has the resources, personnel and facilities for conducting a test flight shall establish and maintain a test flight operations manual that is appropriate to the size, nature and complexity of the test flight operations and that contains

- (a) a statement signed by the person responsible for the test flight operations certifying that the test flight operations are being carried out in accordance with the policies and procedures set out in the manual and in any document incorporated into that manual;
- (b) a description of the system used by the applicant to supervise the test flight operations;
- (c) a description of the system used by the applicant to manage matters relating to safety and risk during the conduct of a test flight;
- (d) a description of record-keeping practices and procedures;

(e) a description of how the configuration of an aircraft used in a test flight is defined and how a change to that configuration is documented;

(f) a description of the qualification, training and currency requirements of the test flight crew members;

(g) a description of the test flight planning procedures; and

(h) duty time limitations for test flight crew members.

**(2)** The person responsible for test flight operations shall submit the test flight operations manual and any amendment to the manual to the Minister for approval.

**(3)** The Minister shall approve the test flight operations manual and any amendment to the manual if they meet the requirements set out in this Section.

[SOR/2009-280, s. 26.]

### **521.47 Function and Reliability Test Flights**

**(1)** Subject to subsection (3), an applicant for a type certificate in respect of an aircraft shall conduct one or more function and reliability test flights in order to demonstrate to the Minister that the aircraft, its components and its equipment are reliable and function properly.

**(2)** A function and reliability test flight shall consist of

(a) in the case of an aircraft that uses a turbine engine of a type not previously used in an aircraft for which a type certificate has been issued, at least 300 hours of operation of the aircraft with a full complement of engines that conform to a type certificate or to an equivalent certificate issued by the airworthiness authority of a foreign state with which Canada has an airworthiness agreement or similar arrangement; or

(b) in the case of every other aircraft, at least 150 hours of operation of the aircraft.

**(3)** Subsection (1) does not apply in respect of

(a) the following aircraft:

(i) aeroplanes having a MCTOW of 2 720 kg (6,000 pounds) or less,

(ii) gliders,

(iii) airships having a seating configuration, excluding pilot seats, of nine or less,

(iv) manned free balloons, or

(v) restricted category aircraft; or

(b) a change to a type design, unless otherwise determined by the Minister taking into consideration the certification plan submitted under paragraph 521.28(d).

[SOR/2009-280, s. 26.]

## **521.48 to 521.56 Reserved**

### **521.57 Issuance of a Type Certificate**

**(1)** Subject to Section 6.71 of the *Act*, the Minister shall issue a type certificate in respect of an aeronautical product if the applicant

(a) submits the declaration required under paragraph 521.33(b);

(b) submits a signed undertaking to carry out the responsibilities specified in Division VIII;  
and

(c) meets the requirements set out in subsection (2) or (3) in respect of the category of the aeronautical product.

**(2)** An applicant for a type certificate in respect of an aeronautical product other than a restricted category aircraft shall demonstrate to the Minister that

(a) the type design of the aeronautical product conforms to its certification basis;

(b) in the case of an aircraft, no feature or characteristic makes the aircraft unsafe, taking into account the category in which certification is requested;

(c) subject to paragraph (d), any test flights required under paragraph 521.44(c) and Section 521.47 have been conducted; and

(d) if the function and reliability test flights required under Section 521.47 have not been completed, a program exists to ensure their completion before the later of the delivery of the first aircraft and the issuance of the certificate of airworthiness.

**(3)** An applicant for a type certificate in respect of a restricted category aircraft shall demonstrate to the Minister that

(a) no feature or characteristic makes the aircraft unsafe when that aircraft is operated

within the limitations specified for its intended use; and

(b) the aircraft

(i) has a type design that conforms to its certification basis, or

(ii) is of a type manufactured in accordance with the requirements of, and accepted for use by, the Department of National Defence and has been modified for its intended use.

[SOR/2009-280, s. 26.]

### **521.58 Change to the Type Design Approved in a Type Certificate**

The holder of a type certificate in respect of an aeronautical product who proposes to make a change to the type design approved in the type certificate shall meet the requirements set out in Section 521.152.

[SOR/2009-280, s. 26.]

### **521.59 to 521.100 Reserved**

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## **Division III - Canadian Technical Standard Order (CAN-TSO) Design Approvals**

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### **521.101 Application**

This Division applies

(a) in respect of the issuance of a *Canadian Technical Standard Order* (CAN-TSO) design approval for an appliance or a part; and

(b) to applicants for and holders of a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part.

[SOR/2009-280, s. 26.]

### **521.102 Eligibility Requirements**

An applicant for a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part shall have, or have access to, the technical capability to conduct the design analyses and tests required to demonstrate the conformity of the appliance or part with its certification basis.

[SOR/2009-280, s. 26.]



### **521.103 Application for a Canadian Technical Standard Order (CAN-TSO) Design Approval**

An applicant for a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part shall submit to the Minister

- (a) an application that contains the information specified on the form published by the Minister entitled *Canadian Technical Standard Order* (CAN-TSO) design approval Application;
- (b) a description of the appliance or part that contains its principal design features and its specifications;
- (c) a proposed certification basis;
- (d) a certification plan that identifies
  - (i) the means to be used to demonstrate that the appliance or part conforms to the applicable certification basis,
  - (ii) the documentation that demonstrates the conformity of the appliance or part with the applicable certification basis,
  - (iii) the resources necessary for carrying out the demonstration of conformity referred to in subparagraph (i), and
  - (iv) the schedule for carrying out the demonstration of conformity referred to in subparagraph (i);
- (e) a draft of the declaration of design and performance referred to in paragraph 521.107(b); and
- (f) the means to be used to identify the model number of an appliance or a part and the part number of each component of the appliance or part and how changes to the appliance or part will be identified.

[SOR/2009-280, s. 26.]

### **521.104 Effective Period of an Application**

**(1)** Unless an applicant demonstrates, at the time of submitting an application for a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part, that a longer period is required for the design, development and testing of the appliance or part, and for that reason the Minister approves a longer period, the application is effective during one of

the following periods, beginning on the date of the application:

- (a) two years, in the case of an appliance or a part other than a turbine-powered APU; or
- (b) three years, in the case of a turbine-powered APU.

**(2)** If a *Canadian Technical Standard Order* (CAN-TSO) design approval is not issued within the applicable effective period referred to in subsection (1), the applicant may

- (a) submit a new application for a *Canadian Technical Standard Order* (CAN-TSO) design approval; or
- (b) apply for an extension of the effective period of the original application.

**(3)** If the effective period of an application for a *Canadian Technical Standard Order* (CAN-TSO) design approval is extended under paragraph (2)(b), the standards of airworthiness applicable to the appliance or part are those in force on the date that precedes, by one of the periods referred to in subsection (1), the date of the issuance of the *Canadian Technical Standard Order* (CAN-TSO) design approval.

[SOR/2009-280, s. 26.]

### **521.105 Certification Basis**

The Minister shall establish, in respect of an appliance or a part, a certification basis consisting of

- (a) the applicable standards of airworthiness referred to in Section 521.106 that are in force on the date of application for the *Canadian Technical Standard Order* (CAN-TSO) design approval; and
- (b) any finding of equivalent safety based on any factors or design features that provide for an alternate means of compliance with the standards of airworthiness in force on the date of application for the *Canadian Technical Standard Order* (CAN-TSO).

[SOR/2009-280, s. 26.]

### **521.106 Standards of Airworthiness**

The standards of airworthiness for the issuance of or a change to a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part are

- (a) those specified in Chapter 537 - Appliances and Parts of the *Airworthiness Manual*; or
- (b) if no standards of airworthiness for the issuance of or a change to a *Canadian Technical*

Standard Order (CAN-TSO) design approval in respect of the appliance or part are specified in Chapter 537 - Appliances and Parts of the *Airworthiness Manual*, the minimum performance standards specified by the Minister.

[SOR/2009-280, s. 26.]

### **521.107 Conformity with Certification Basis**

An applicant for a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part shall

- (a) demonstrate to the Minister that the appliance or part conforms to the certification basis established by the Minister under Section 521.105;
- (b) submit to the Minister a declaration of design and performance that contains
  - (i) the content of the certification basis,
  - (ii) a declaration attesting to the demonstration of conformity of the appliance or part with its certification basis,
  - (iii) information identifying the components of the type design of the appliance or part,
  - (iv) the rated performance of the appliance or part,
  - (v) a reference to the record documenting the means of demonstrating conformity with the certification basis, and
  - (vi) a reference to the maintenance, overhaul and repair manuals;
- (c) make available to the Minister the means by which conformity is established; and
- (d) submit to the Minister for approval any manuals, instructions and limitations that are required by the certification basis established in respect of the appliance or part.

[SOR/2009-280, s. 26.]

### **521.108 Inspections and Tests**

An applicant for a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part shall

- (a) ensure, before conducting a test, that the item to be tested conforms to the drawings, specifications and manufacturing processes proposed for the type design of the appliance or part and that the measuring device and test equipment to be used are appropriate and

calibrated for the test;

(b) conduct all the inspections, analyses and tests necessary to demonstrate to the Minister that the type design of the appliance or part conforms to its certification basis;

(c) in accordance with the certification plan, submit to the Minister for review the data and reports resulting from the inspections, analyses and tests conducted under paragraph (b); and

(d) provide the Minister with access to the appliance or part for the purpose of making any inspection, making any engineering assessment, or conducting or witnessing any test,

(i) required to verify the applicant's declaration attesting to the demonstration of conformity of the appliance or part with its certification basis, or

(ii) required to make a determination of the conformity of the appliance or part with its certification basis.

[SOR/2009-280, s. 26.]

#### **521.109 Issuance of a Canadian Technical Standard Order (CAN-TSO) Design Approval**

Subject to Section 6.71 of the *Act*, the Minister shall issue a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part if the applicant

(a) meets the requirements set out in Section 521.107; and

(b) submits a signed undertaking to carry out the responsibilities specified in Division VIII.

[SOR/2009-280, s. 26.]

#### **521.110 Change to a Type Design Approved in a Canadian Technical Standard Order (CAN-TSO) Design Approval**

**(1)** The holder of a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part who proposes to make a change to the appliance or part shall

(a) in the case of a change to the type design, apply for a new *Canadian Technical Standard Order* (CAN-TSO) design approval under Section 521.103; and

(b) in any other case, establish procedures to ensure that the changed appliance or part continues to conform to its certification basis and make the change after the Minister accepts the procedures.

**(2)** An individual or organization, other than the holder of a *Canadian Technical Standard Order*

(CAN-TSO) design approval in respect of an appliance or a part, who proposes to make a change or repair to the appliance or part shall make an application in respect of that appliance or part for the issuance of a *Canadian Technical Standard Order* (CAN-TSO) design approval, a supplemental type certificate, or a repair design approval.

[SOR/2009-280, s. 26.]

## **521.111 to 521.150 Reserved**

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### **Division IV - Changes to a Type Design**

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#### **521.151 Application**

This Division applies

- (a) in respect of the approval of a change to the type design of an aeronautical product; and
- (b) to applicants for an approval of a change to the type design of an aeronautical product.

[SOR/2009-280, s. 26.]

#### **521.152 Change to a Type Design**

**(1)** Subject to Section 521.153, no person shall undertake a change to the type design of an aeronautical product that has other than a negligible effect on the weight and centre-of-gravity limits, structural strength, performance, power plant operation, flight characteristics or other qualities affecting its airworthiness or environmental characteristics except in accordance with Sections 521.155 to 521.160.

**(2)** In any other case, no person shall undertake a change to the type design of an aeronautical product except in accordance with Section 521.154.

[SOR/2009-280, s. 26.]

#### **521.153 Change to a Type Design Requiring a New Type Certificate**

An applicant for the approval of a change to the type design of an aeronautical product shall submit an application for a new type certificate under Section 521.28 if the Minister determines that the change is so extensive in relation to the design, configuration, power or weight of the product - including, in the case of an engine, its power limitations - that a substantially complete investigation by the applicant is necessary to determine conformity with the applicable certification basis.

[SOR/2009-280, s. 26.]

### **521.154 Change Other than a Change to the Type Design**

The holder of a design approval document who proposes to make a change to an aeronautical product, other than a change to the type design referred to in subsection 521.152(1), shall establish procedures to ensure that the changed aeronautical product continues to conform to its certification basis and make the change after the Minister accepts the procedures.

[SOR/2009-280, s. 26.]

### **521.155 Application for Approval of a Change to the Type Design**

An applicant for the approval of a change to the type design of an aeronautical product shall submit to the Minister

- (a) an application that contains the information specified on the form published by the Minister entitled Design Change Approval Application;
- (b) a description of the change to the type design that identifies
  - (i) all parts of the type design, including all parts of the approved manuals, that are affected by the change, and
  - (ii) any re-investigations necessary to demonstrate the continued conformity of the aeronautical product with the applicable certification basis, by listing the standards of airworthiness that must be met and the means to be used to demonstrate conformity;
- (c) a proposed certification basis; and
- (d) a certification plan that identifies
  - (i) the means to be used to demonstrate that the change to the type design of the aeronautical product conforms to the applicable certification basis,
  - (ii) the documentation that demonstrates that the change to the type design of the aeronautical product conforms to the applicable certification basis, and
  - (iii) the resources necessary for carrying out the demonstration of conformity referred to in subparagraph (i), and
  - (iv) the schedule for carrying out the demonstration of conformity referred to in subparagraph (i).

[SOR/2009-280, s. 26.]

### **521.156 Effective Period of an Application**

**(1)** Unless an applicant demonstrates, at the time of submitting an application for the approval of a change to the type design of an aeronautical product, that a longer period is required for the design, development and testing of the product, and for that reason the Minister approves a longer period, the application is effective during one of the following periods, beginning on the date of the application:

(a) five years, in the case of a transport category aeroplane or a transport category rotorcraft; or

(b) three years, in the case of

(i) an aircraft other than an aircraft referred to in paragraph (a),

(ii) an aircraft engine, or

(iii) an aircraft propeller.

**(2)** If a change to the type design of an aeronautical product is not approved within the applicable effective period referred to in subsection (1), the applicant may

(a) submit a new application for the approval of a change to the type design of the aeronautical product; or

(b) apply for an extension of the effective period of the original application.

**(3)** If the effective period of an application for the approval of a change to the type design of an aeronautical product is extended under paragraph (2)(b), the standards of airworthiness applicable to the change are those in force on the date that precedes, by one of the periods referred to in subsection (1), the date of the approval of the change to the type design.

[SOR/2009-280, s. 26.]

### **521.157 Certification Basis**

The Minister shall establish, in respect of a change to the type design of an aeronautical product, a certification basis consisting of the applicable standards referred to in Sections 521.158 and 521.159.

[SOR/2009-280, s. 26.]

### **521.158 Standards of Airworthiness**

**(1)** Subject to subsections (2) to (9), an applicant for the approval of a change to the type design of an aeronautical product shall demonstrate that the product meets the standards of airworthiness recorded in the type certificate data sheets and in force on the date of the application for the change.

**(2)** The certification basis for the issuance of a repair design approval or a part design approval is that recorded in the type certificate data sheets, and includes any special conditions referred to in subsection (7).

**(3)** A change to the type design of an aeronautical product may conform to an earlier amendment to a standard referred to in subsection (1) if the Minister determines that the change is not significant in the context of all previous relevant design changes and of all related amendments to the applicable standards recorded in the type certificate data sheets. The change is significant if

(a) the general configuration or principles of construction are not retained; or

(b) the assumptions used in obtaining the type certificate for the aeronautical product do not remain valid.

**(4)** A change to the type design of an aeronautical product may conform to an earlier amendment to a standard referred to in subsection (1) in respect of an area, system, component, item of equipment or appliance if the Minister determines that the area, system, component, item of equipment or appliance

(a) is not affected by the change; or

(b) is affected by the change, but conformity with a standard referred to in subsection (1) would not contribute materially to the level of safety or would not be practical.

**(5)** In respect of an area, system, component, item of equipment or appliance that is affected by a change, a standard referred to in subsection (3) or (4) may not predate a standard that is recorded in the type certificate data sheets or

(a) in the case of a normal, utility, aerobatic and commuter category aeroplane, the standards set out in Section 523.2 of Chapter 523 - Normal, Utility, Aerobatic and Commuter Category Aeroplanes of the *Airworthiness Manual*;

(b) in the case of a transport category aeroplane, the standards set out in Section 525.2 of Chapter 525 - Transport Category Aeroplanes of the *Airworthiness Manual*;



(c) in the case of a normal category rotorcraft, the standards set out in Section 527.2 of Chapter 527 - Normal Category Rotorcraft of the *Airworthiness Manual*; and

(d) in the case of a transport category rotorcraft, the standards set out in Section 529.2 of Chapter 529 - Transport Category Rotorcraft of the *Airworthiness Manual*.

**(6)** The standards of airworthiness that apply in respect of a change to the type design of an aircraft, other than a rotorcraft, having a MCTOW of 2 720 kg (6,000 pounds) or less, or of a non-turbine rotorcraft having a MCTOW of 1 360 kg (3,000 pounds) or less, are those recorded in the type certificate data sheets, unless the Minister determines that

(a) the change is significant and requires compliance with an amendment to the standards that are recorded in the type certificate data sheets and that apply in respect of the change and with any other standards that are directly related to the change; and

(b) compliance with the amendment referred to in paragraph (a) would contribute materially to the level of safety and would be practical.

**(7)** An applicant for the approval of a change to the type design of an aeronautical product having a novel or unusual design feature shall comply with any special conditions that are necessary to ensure that the change provides a level of safety equivalent to that provided by the applicable certification basis determined under subsections (1) to (6), (8) and (9).

**(8)** If a change is made to the type design of a restricted category aircraft, or if a change to the type design of an aircraft results in the aircraft being reclassified as a restricted category aircraft, that aircraft must meet

(a) the standards of airworthiness referred to in Section 521.31 applicable to that category of aircraft that are in force on the date of the application for the change; or

(b) the standards of airworthiness recorded in the type certificate data sheets, or an earlier amendment to a standard referred to in paragraph (a), if the standards or the amendment provide a level of safety appropriate for the intended use of that aircraft.

**(9)** An applicant for the approval of a change to the type design of an aeronautical product may elect to include in the certification basis a later amendment to the standards of airworthiness specified in subsection (1), on the condition that the applicant comply with any other amendment that is directly related to those standards.

[SOR/2009-280, s. 26; SOR/2019-119, s. 20(F).]

## **521.159 Aircraft Emissions Standards**

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**(1)** Subject to subsection (2), an applicant for the approval of a change to the type design of an aeronautical product that results in a change in the noise levels of an aircraft shall demonstrate

(a) that the aircraft meets the noise standards specified in Subchapter A of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*; or

(b) that the aircraft continues to meet the noise standards that applied before the change was undertaken and that are recorded in the type certificate data sheets or in a document that has been accepted by the Minister as being equivalent to a type certificate for that aircraft.

**(2)** Subsection (1) does not apply in respect of

(a) a restricted category aircraft for use in agricultural operations or fire prevention and suppression;

(b) the installation or removal of floats or skis;

(c) the installation or removal of external equipment on a rotorcraft; or

(d) an aircraft whose certification basis does not contain noise standards, if the change to the type design does not involve

(i) a change in the number or type of propellers,

(ii) a change in the number of engines or in the principle of propulsion of the engines, or

(iii) in the case of a rotorcraft, a change in the number of rotors or in the principle of operation of the rotors.

**(3)** An applicant for the approval of a change to the type design of a turbine-powered aircraft shall demonstrate that the aircraft meets the standards respecting the prevention of intentional fuel venting specified in Subchapter B of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*.

**(4)** An applicant for the approval of a change to the type design of an aircraft engine shall demonstrate that the aircraft engine meets the smoke and gaseous aircraft emissions standards specified in Subchapter B of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*.

**(5)** An applicant for the approval of a change to the type design of an aircraft shall demonstrate that the aircraft meets the carbon dioxide (CO<sub>2</sub>) emissions standards specified in Subchapter C

of Chapter 516 - Aircraft Emissions of the *Airworthiness Manual*.

[Effective 2020/12/09 - Previous Version dated 2009/12/01]

[SOR/2009-280, s. 26; SOR/2019-119, s. 21(F); SOR/2020-251, s. 2.]

**521.160 Conformity with Certification Basis**

**(1)** An applicant for the approval of a change to the type design of an aeronautical product shall

(a) demonstrate to the Minister that the product conforms to the certification basis established by the Minister under Section 521.157 by conducting the inspections and tests referred to in Section 521.44;

(b) submit to the Minister a declaration attesting to the demonstration of conformity of the product with its certification basis;

(c) make available to the Minister the means by which conformity is established;

(d) in the case of an aircraft, record the noise levels in its flight manual or in a supplement to that manual using the *Guidelines for the Administration of Noise Certification Documentation* set out in Attachment G of Annex 16, Volume I to the Convention;

(e) submit a signed undertaking to carry out the responsibilities specified in Division VIII; and

(f) submit to the Minister for approval any manual, instructions and limitations that are required by the certification basis established in respect of the product.

**(2)** An applicant for the approval of a change to the type design of an aeronautical product other than a restricted category aircraft shall demonstrate to the Minister that

(a) in the case of an aircraft, no feature or characteristic makes the aircraft unsafe, taking into account the category in which certification is requested; and

(b) the type design of the product provides a level of safety at least equivalent to that provided by the certification basis that applied before the change was undertaken.

**(3)** An applicant for the approval of a change to the type design of a restricted category aircraft shall demonstrate to the Minister that

(a) no feature or characteristic makes the aircraft unsafe when that aircraft is operated within the limitations specified for its intended use; and

(b) the aircraft has a type design that conforms to its certification basis.

[SOR/2009-280, s. 26; SOR/2019-119, s. 22(F).]

### **521.161 Issuance of Approval of a Change to the Type Design**

Subject to Section 6.71 of the Act, the Minister shall approve a change to the type design of an aeronautical product if the applicant meets the requirements set out in Section 521.160.

[SOR/2009-280, s. 26.]

### **521.162 to 521.200 Reserved**

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## **Division V - Supplemental Type Certificates**

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### **521.201 Application**

This Division applies

(a) in respect of the issuance of a supplemental type certificate as a result of a change to the type design of an aeronautical product; and

(b) to applicants for and holders of a supplemental type certificate in respect of an aeronautical product.

[SOR/2009-280, s. 26.]

### **521.202 Eligibility Requirements**

An applicant for a supplemental type certificate in respect of a change to the type design of an aeronautical product shall have, or have access to, the technical capability to conduct the design analyses and tests required to demonstrate the conformity of the aeronautical product with its certification basis.

[SOR/2009-280, s. 26.]

### **521.203 Application for a Supplemental Type Certificate**

Subject to Section 521.153, an applicant for a supplemental type certificate in respect of a change to the type design of an aeronautical product for which the Minister has issued or accepted a type certificate shall submit an application to the Minister as specified in Section 521.155.

[SOR/2009-280, s. 26; SOR/2019-119, s. 23(F).]

### **521.204 Certification Basis**

The Minister shall establish, in respect of a change to the type design of an aeronautical product, a certification basis consisting of the applicable standards referred to in Section 521.157.

[SOR/2009-280, s. 26.]

### **521.205 Conformity with Certification Basis**

An applicant for a supplemental type certificate in respect of a change to the type design of an aeronautical product shall comply with the requirements set out in Section 521.160 within the effective period referred to in Section 521.156.

[SOR/2009-280, s. 26.]

### **521.206 Issuance of a Supplemental Type Certificate**

Subject to Section 6.71 of the *Act*, the Minister shall issue a supplemental type certificate in respect of a change to the type design of an aeronautical product if the applicant complies with the requirements set out in Section 521.205.

[SOR/2009-280, s. 26.]

### **521.207 Change to a Type Design Approved in a Supplemental Type Certificate**

The holder of a supplemental type certificate in respect of an aeronautical product who proposes to make a change to the type design approved in the supplemental type certificate shall comply with the requirements set out in Section 521.152.

[SOR/2009-280, s. 26.]

### **521.208 to 521.250 Reserved**

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## **Division VI - Repair Design Approvals**

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### **521.251 Application**

This Division applies

(a) in respect of the issuance of a repair design approval as a result of a repair to an aeronautical product; and

(b) to applicants for and holders of a repair design approval in respect of an aeronautical

product.

[SOR/2009-280, s. 26.]

### **521.252 Eligibility Requirements**

An applicant for a repair design approval in respect of an aeronautical product shall have, or have access to, the technical capability to conduct the design analyses and tests required to demonstrate the conformity of the aeronautical product with its certification basis.

[SOR/2009-280, s. 26.]

### **521.253 Application for a Repair Design Approval**

An applicant for a repair design approval in respect of an aeronautical product shall submit an application to the Minister as specified in Section 521.155 if the repair is in respect of

(a) an aeronautical product for which the Minister has issued or accepted a type certificate;  
or

(b) an aircraft registered in a foreign state, or an aeronautical product intended for installation on an aircraft registered in a foreign state, with which Canada has an airworthiness agreement or similar arrangement in respect of the acceptance of the technical data used to repair the aeronautical product.

[SOR/2009-280, s. 26.]

### **521.254 Certification Basis**

The Minister shall establish a certification basis, in respect of a repair design approval for an aeronautical product, consisting of the applicable standards referred to in Section 521.157.

[SOR/2009-280, s. 26.]

### **521.255 Conformity with Certification Basis**

An applicant for a repair design approval in respect of an aeronautical product shall comply with the requirements set out in Section 521.160 within the effective period referred to in Section 521.156.

[SOR/2009-280, s. 26.]

### **521.256 Issuance of a Repair Design Approval**

Subject to Section 6.71 of the *Act*, the Minister shall issue a repair design approval in respect of an aeronautical product if the applicant complies with the requirements set out in Section 521.255.

[SOR/2009-280, s. 26.]

### **521.257 Change to a Repair Design Approved in a Repair Design Approval**

The holder of a repair design approval in respect of an aeronautical product who proposes to make a change to the repair design approved in the repair design approval shall comply with the requirements set out in Section 521.152.

[SOR/2009-280, s. 26.]

### **521.258 to 521.300 Reserved**

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## **Division VII - Part Design Approvals**

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### **521.301 Application**

This Division applies

(a) in respect of the issuance of a part design approval for a replacement part that is intended to be installed on an aeronautical product; and

(b) to applicants for and holders of a part design approval in respect of a replacement part.

[SOR/2009-280, s. 26.]

### **521.302 Eligibility Requirements**

An applicant for a part design approval in respect of a replacement part shall have, or have access to, the technical capability to conduct the design analyses and tests required to demonstrate the conformity of the replacement part with its certification basis.

[SOR/2009-280, s. 26.]

### **521.303 Application for a Part Design Approval**

**(1)** An applicant for a part design approval in respect of a replacement part for an aeronautical product for which the Minister has issued or accepted a type certificate shall submit an application to the Minister as specified in Section 521.155.

**(2)** A part design approval shall not be issued if the replacement part

(a) is subject to an airworthiness limitation;

(b) is a standard part or a commercial part;

(c) constitutes a change to the type design of the aeronautical product; or

(d) creates an airworthiness limitation.

[SOR/2009-280, s. 26.]

### **521.304 Certification Basis**

The Minister shall establish, in respect of a part design approval for a replacement part, a certification basis consisting of the applicable standards referred to in Section 521.157.

[SOR/2009-280, s. 26.]

### **521.305 Conformity with Certification Basis**

An applicant for a part design approval in respect of a replacement part shall comply with the requirements set out in Section 521.160 within the effective period referred to in Section 521.156.

[SOR/2009-280, s. 26.]

### **521.306 Issuance of a Part Design Approval**

Subject to Section 6.71 of the *Act*, the Minister shall issue a part design approval in respect of a replacement part if the applicant complies with the requirements set out in Section 521.305.

[SOR/2009-280, s. 26.]

### **521.307 Change to a Part Design Approved in a Part Design Approval**

The holder of a part design approval in respect of a replacement part who proposes to make a change to the part design approved in the part design approval shall comply with

(a) in the case of a change to the type design, the requirements set out in Division V; and

(b) in any other case, the requirements set out in Section 521.154.

[SOR/2009-280, s. 26.]

### **521.308 to 521.350 Reserved**

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## **Division VIII - Responsibilities of a Design Approval Document Holder**

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### **521.351 Application**



This Division applies to holders of a design approval document.

[SOR/2009-280, s. 26.]

### **521.352 Technical Capability**

The holder of a design approval document in respect of an aeronautical product shall have, or have access to, the technical capability

(a) to conduct design analyses and tests in order to develop the data required to maintain the aeronautical product in an airworthy condition; and

(b) to carry out the responsibilities specified this Division.

[SOR/2009-280, s. 26.]

### **521.353 Service Difficulty Reporting**

The holder of a design approval document in respect of an aeronautical product shall report to the Minister, in accordance with Division IX, any reportable service difficulty related to the aeronautical product.

[SOR/2009-280, s. 26.]

### **521.354 Establishing a Service Difficulty Reporting System**

The holder of a design approval document in respect of an aeronautical product shall establish and maintain a service difficulty reporting system for the purpose of receiving, recording, analyzing and investigating reports and information concerning a reportable service difficulty related to the aeronautical product.

[SOR/2009-280, s. 26.]

### **521.355 Investigation of Service Difficulty Reports**

**(1)** When the holder of a design approval document in respect of an aeronautical product receives notice that a service difficulty report has been submitted to the Transport Canada web service difficulty reporting system in relation to the aeronautical product, the holder shall

(a) investigate the service difficulty and, if it results from a deficiency in the aeronautical product, develop a corrective action to rectify the deficiency; and

(b) report to the Minister the progress of the investigation and any proposed corrective action.

**(2)** Subject to Section 521.356, if the Minister determines that a corrective action is required to

rectify the deficiency, the holder of the design approval document in respect of the aeronautical product shall

(a) submit the technical data in support of the proposed corrective action to the Minister; and

(b) undertake any corrective action that the Minister determines is necessary to rectify the deficiency.

[SOR/2009-280, s. 26; SOR/2019-119, s. 24(F).]

### **521.356 Mandatory Changes**

If the Minister determines that a corrective action is required to rectify an unsafe condition in an aeronautical product, the holder of the design approval document in respect of the aeronautical product shall

(a) submit to the Minister for approval the corrective action required to rectify the unsafe condition; and

(b) on approval of the corrective action, make available to each owner and each operator of the aeronautical product the information needed to rectify the unsafe condition.

[SOR/2009-280, s. 26.]

### **521.357 Transfer**

**(1)** Subject to subsection (2), the Minister shall approve the transfer of a design approval document in respect of an aeronautical product from the holder of the design approval document to a transferee if

(a) the holder

(i) notifies the Minister in writing of the intention to transfer the design approval document,

(ii) provides the Minister with the legal name, address and telephone number of the transferee,

(iii) provides the Minister with the number of the design approval document, the legal name of the manufacturer and the model designation of the aeronautical product that is the subject of the transfer,

(iv) returns to the Minister the original design approval document signed by the holder,

and

(v) provides the transferee with the type design of the aeronautical product that is the subject of the transfer and the information recorded under paragraph 521.365(a); and

(b) the transferee

(i) applies for the issuance of an amended design approval document,

(ii) complies with the requirements set out in Section 521.352, and

(iii) submits a signed undertaking to carry out the responsibilities specified in this Division.

**(2)** If the transfer involves a foreign state, the holder of the design approval document and the transferee shall comply with the provisions of any airworthiness agreement or similar arrangement that exists between Canada and the foreign state involved in the transfer.

[Effective 2019/06/14 - Previous Version dated 2009/12/01]

[SOR/2009-280, s. 26; SOR/2019-119, s. 25; SOR/2021-152, s. 8(F).]

### **521.358 to 521.364 Reserved**

### **521.365 Record Keeping**

The holder of a design approval document in respect of an aeronautical product shall

(a) establish and maintain a system for recording

(i) the type design of the aeronautical product,

(ii) the analyses, tests and inspections that were conducted to demonstrate the conformity of the aeronautical product with its certification basis,

(iii) the certification plan and record and the declaration attesting to the demonstration of conformity of the aeronautical product with its certification basis,

(iv) the data developed by the holder and required to maintain the aeronautical product in an airworthy condition, and

(v) the distribution or initial sale of the aeronautical product;

(b) at the request of the Minister, make available to the Minister the design approval document, the type design and any of the information recorded under paragraph (a); and

(c) notify the Minister in writing if the holder no longer intends to make the information recorded under paragraph (a) available for the purpose of manufacture, modification, repair or installation of the aeronautical product or for maintaining the airworthiness of the aeronautical product.

[Effective 2019/06/14 - Previous Version dated 2009/12/01]

[SOR/2009-280, s. 26; SOR/2019-119, s. 26.]

### **521.366 Loss or Disposal of Records**

**(1)** No person shall dispose of or destroy the records containing the information recorded under paragraph 521.365(a) without the written authorization of the Minister.

**(2)** The holder of a design approval document in respect of an aeronautical product shall notify the Minister in writing if the records containing the information recorded under paragraph 521.365(a) are lost or destroyed.

[SOR/2009-280, s. 26.]

### **521.367 Manuals**

**(1)** The holder of a design approval document in respect of an aeronautical product shall develop and maintain the manuals and their supplements that are required by the certification basis of the aeronautical product and are required to support the operation of the product in service, including

- (a) an installation manual;
- (b) an operating manual;
- (c) a maintenance manual;
- (d) an overhaul manual;
- (e) servicing instructions;
- (f) instructions for continued airworthiness;
- (g) an illustrated parts manual; and
- (h) service bulletins or equivalent documents.

**(2)** The holder of a design approval document other than a *Canadian Technical Standard Order* (CAN-TSO) design approval in respect of an appliance or a part shall develop and maintain the

manuals and their supplements that are required by the certification basis of the aeronautical product and are required to support the operation of the product in service, including

- (a) an aircraft flight manual;
- (b) a structural repair manual;
- (c) supplemental integrity instructions;
- (d) a master minimum equipment list; and
- (e) a maintenance review board report.

**(3)** The holder of a design approval document in respect of an aeronautical product shall, on request, provide the Minister with up to six copies of the manuals and their supplements referred to in subsections (1) and (2), at no cost, in a format agreed to by the Minister.

[SOR/2009-280, s. 26.]

### **521.368 Instructions for Continued Airworthiness**

If the certification basis of an aeronautical product requires that instructions for continued airworthiness be developed, the holder of a design approval document in respect of the aeronautical product shall

- (a) provide the instructions for continued airworthiness
  - (i) in the case of an aeronautical product other than an aircraft, to each owner of the aeronautical product on the date of its delivery, and
  - (ii) in the case of an aircraft, to each owner of the aeronautical product on the later of the date of its delivery and the date of the issuance of its first certificate of airworthiness;
- (b) provide any change to the instructions for continued airworthiness
  - (i) in the case of an aeronautical product other than an aircraft, to each of its owners, and
  - (ii) in the case of an aircraft, to each of its operators;
- (c) make available to any person referred to in subsection 571.02(1) the instructions for continued airworthiness and any changes to those instructions; and

(d) submit to the Minister a plan that identifies how changes to the instructions for continued airworthiness will be made available and distributed to any person referred to in paragraph (a), (b) or (c).

[SOR/2009-280, s. 26.]

### **521.369 Supplemental Integrity Instructions**

**(1)** This Section applies in respect of an aeroplane for which a type certificate has been issued and that is

(a) a commuter category aeroplane operated under Subpart 4 of Part VII; or

(b) a transport category aeroplane operated under Subpart 4 or 5 of Part VII.

**(2)** Before an aeroplane referred to in subsection (1) meets the applicable in-service criterion specified in subsection (3), the holder of the type certificate in respect of the aeroplane shall

(a) develop supplemental integrity instructions in accordance with subsection (4) and submit them to the Minister for approval in accordance with subsection (5); and

(b) on their approval, make the supplemental integrity instructions available to each owner and each operator of an aeroplane of that type.

**(3)** The in-service criterion that determines whether supplemental integrity instructions are required in respect of the aeroplane is that

(a) the aeroplane reaches the design life goal - which is the expected period of operational service of the aeroplane - as established by the type certificate holder, and a corrosion protection and control program is in place; or

(b) the aeroplane completes 20 years of service and

(i) no corrosion protection and control program is in place, or

(ii) no design life goal has been established.

**(4)** The supplemental integrity instructions required under subsection (2) shall

(a) specify a method for maintaining the conformity of the aeroplane with its certification basis;

(b) incorporate any recommendation resulting from a detailed engineering assessment of the primary airframe structure of the aeroplane and from the service history of that

aeroplane;

(c) identify, for periodic review, all principal structural elements whose failure could result in the loss of the aeroplane or significantly reduce the overall structural strength of its airframe;

(d) contain a supplemental structural integrity document that consists of

(i) a description of each principal structural element that has been selected for supplementary inspection, modification or replacement, and its structural location, component or damage site,

(ii) a description of the type of damage expected - such as fatigue, corrosion, delamination, disbondment, accidental damage or multiple-site damage - for each structural location identified, and

(iii) a reference to any existing maintenance manual or service bulletin intended for the aeroplane;

(e) recommend, for each principal structural element that has been selected for supplementary inspection under paragraph (d),

(i) an initial or threshold inspection and the intervals for repeat inspections, and

(ii) inspection methods and inspection procedures appropriate for the type of damage referred to in subparagraph (d)(ii), including any alternatives to the intervals for inspections and to the methods and procedures used;

(f) specify any modifications, replacements or corrosion control measures, optional or mandatory, that could change or terminate the inspection requirements set out in paragraph (e); and

(g) provide guidance for reporting to the Minister the findings from any inspection conducted using the supplemental structural integrity document.

**(5)** The Minister shall approve the supplemental integrity instructions submitted in respect of an aeroplane if the Minister determines that the instructions provide a level of safety equivalent to that provided by the standards of airworthiness in force at the time the type certificate was issued in respect of the aeroplane.

**(6)** The holder of a type certificate in respect of an aeroplane who proposes to make a change to the supplemental integrity instructions for the aeroplane shall

(a) submit the change to the Minister for approval; and

(b) on approval of the change, make the changed instructions available to each owner and each operator of an aeroplane of that type.

[SOR/2009-280, s. 26.]

## **521.370 to 521.400 Reserved**

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### **Division IX - Service Difficulty Reporting**

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#### **521.401 Form and Submission**

**(1)** A person who is required to report a service difficulty shall submit to the Minister, for each reportable service difficulty, a separate service difficulty report that contains the information specified in the form published by the Minister entitled Service Difficulty Report.

**(2)** A service difficulty report shall be submitted

(a) by electronic means, such as the Transport Canada web service difficulty reporting system; or

(b) by mail or courier.

[SOR/2009-280, s. 26.]

#### **521.402 Time Limits**

**(1)** Subject to subsection (2), a person who is required to report a service difficulty shall submit a service difficulty report to the Minister within three working days after the day on which the reportable service difficulty is discovered.

**(2)** If all of the information required under subsection 521.401(1) is not available within the period specified in subsection (1), an interim service difficulty report containing the following elements may be submitted to the Minister in a manner specified in subsection 521.401(2) within three working days after the day on which the reportable service difficulty is discovered:

(a) the aircraft registration, if applicable;

(b) the date of the occurrence of the reportable service difficulty;

(c) a description of the reportable service difficulty; and



(d) the name, mailing address, and telephone and fax numbers of the person submitting the report.

**(3)** The person submitting the interim service difficulty report shall submit a complete service difficulty report that complies with the requirements set out in subsection 521.401(1) within 14 days after the day on which the reportable service difficulty is discovered.

[SOR/2009-280, s. 26.]

### **521.403 Service Difficulty Report Not Required**

A service difficulty report is not required for a reportable service difficulty that has been reported by another person or organization.

[SOR/2009-280, s. 26.]

### **521.404 to 521.425 Reserved**

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## **Division X - Airworthiness Directives**

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### **521.426 Application**

This Division applies in respect of aeronautical products for which a design approval document has been issued or accepted by the Minister.

[SOR/2009-280, s. 26.]

### **521.427 Conditions for Issuance**

**(1)** The Minister shall issue an airworthiness directive in respect of an aeronautical product if

(a) an unsafe condition exists in the aeronautical product and the condition is likely to exist or develop in other aeronautical products;

(b) it is necessary to modify or cancel the requirements of an airworthiness directive issued by the foreign airworthiness authority having jurisdiction over the type design of the aeronautical product because the Minister considers the airworthiness directive inappropriate for reasons related to the environment, safety, the delayed receipt of an instruction issued by the foreign airworthiness authority or reliance on foreign legislation; or

(c) it is necessary to modify or cancel a Canadian airworthiness directive that is in force, because a condition for issuance referred to in paragraph (a) or (b) has changed or ceased

to exist.

**(2)** The airworthiness directive shall

- (a) identify the unsafe condition;
- (b) identify the affected aeronautical products;
- (c) specify the corrective actions required;
- (d) specify the schedule for completion of the required corrective actions; and
- (e) specify its effective date.

**(3)** This Section does not apply if the unsafe condition referred to in paragraph 521.427(1)(a) is rectified by a corrective action taken under Section 521.356.

[SOR/2009-280, s. 26.]

#### **521.428 Distribution**

The Minister shall distribute an airworthiness directive to

- (a) the registered owner of a Canadian aircraft affected by the airworthiness directive;
- (b) the manufacturer of an aeronautical product and the holder of the design approval document in respect of the aeronautical product; and
- (c) the airworthiness authority of all known states of registry of the aircraft.

[SOR/2009-280, s. 26.]

#### **521.429 to 521.450 Reserved**

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### **Division XI - Foreign Aeronautical Products**

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#### **521.451 Application**

This Division applies

- (a) in respect of the issuance of a design approval document for a foreign aeronautical product; and
- (b) to applicants for and holders of a design approval document in respect of a foreign

aeronautical product.

[SOR/2009-280, s. 26.]

### **521.452 Eligibility Requirements**

An applicant for a design approval document in respect of a foreign aeronautical product shall demonstrate to the Minister that the foreign airworthiness authority having jurisdiction over the type design of the foreign aeronautical product has issued or will issue a document equivalent to a design approval document in respect of that foreign aeronautical product.

[SOR/2009-280, s. 26.]

### **521.453 Application for a Design Approval Document**

**(1)** Subject to subsection (2), an applicant for a design approval document in respect of a foreign aeronautical product shall submit an application to the Minister as specified in

(a) Section 521.28, in the case of a type certificate;

(b) Section 521.103, in the case of a *Canadian Technical Standard Order* (CAN-TSO) design approval;

(c) Section 521.203, in the case of a supplemental type certificate;

(d) Section 521.253, in the case of a repair design approval; and

(e) Section 521.303, in the case of a part design approval.

**(2)** An applicant for a design approval document in respect of a foreign aeronautical product shall submit an application in accordance with the provisions of any airworthiness agreement or similar arrangement that exists between Canada and the state of design of the foreign aeronautical product.

[SOR/2009-280, s. 26.]

### **521.454 Exceptions**

Paragraphs 521.44(a) and (b), Section 521.47 and paragraph 521.108(a) do not apply in respect of a foreign aeronautical product.

[SOR/2009-280, s. 26.]

### **521.455 Issuance of a Design Approval Document**

**(1)** Subject to subsection (2), if the foreign airworthiness authority having jurisdiction over the

type design of a foreign aeronautical product has issued or will issue a document equivalent to a design approval document in respect of the foreign aeronautical product, the Minister shall issue a design approval document if the applicant

(a) complies with the requirements set out in the division applicable to the design approval document that is the subject of the application; and

(b) demonstrates that the foreign aeronautical product conforms to the standards of airworthiness and the aircraft emissions standards referred to in the division applicable to the design approval document that is the subject of the application and that

(i) are in force on the date on which the application for the document equivalent to the design approval document was submitted to the foreign airworthiness authority having jurisdiction over the type design of the foreign aeronautical product, or

(ii) are recorded by the foreign airworthiness authority in the type certificate data sheets in respect of that foreign aeronautical product.

**(2)** If the airworthiness authority of a foreign state has entered into an airworthiness agreement or similar arrangement with Canada, the Minister shall conduct a type design examination of the foreign aeronautical product that is the subject of the application to determine if the type design of that foreign aeronautical product provides a level of safety equivalent to that specified in this Subpart.

**(3)** If the Minister determines that the type design of the foreign aeronautical product provides a level of safety equivalent to that specified in this Subpart, the Minister shall, in accordance with the provisions of the airworthiness agreement or similar arrangement referred to in subsection (2), issue a design approval document or accept the design approval document issued by the foreign airworthiness authority in respect of the foreign aeronautical product.

[SOR/2009-280, s. 26.]

### **521.456 Changes to a Type Design**

**(1)** If the holder of a design approval document issued under Section 521.455 makes a change to the type design of a foreign aeronautical product that alters a condition or limitation prescribed for the foreign aeronautical product by the foreign airworthiness authority having jurisdiction over the type design of the foreign aeronautical product, the change shall be approved by that airworthiness authority and is subject to a type design examination by the Minister.

**(2)** If the Minister determines that the change to the type design of the foreign aeronautical

product provides a level of safety equivalent to that specified in this Subpart, the Minister shall, in accordance with the provisions of the airworthiness agreement or similar arrangement referred to in subsection 521.455(2), issue an amended design approval document or accept the design approval document issued by the foreign airworthiness authority in respect of the change to the type design of the foreign aeronautical product.

[SOR/2009-280, s. 26.]

[Amended 2009/12/01 - No Previous Version]

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## **Subpart 22 - Gliders and Powered Gliders**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 23 - Normal, Utility, Aerobatic and Commuter Category Aeroplanes**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 25 - Transport Category Aeroplanes**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 26]

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## **Subpart 27 - Normal Category Rotorcraft**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 29 - Transport Category Rotorcraft**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 31 - Manned Free Balloons**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 33 - Aircraft Engines**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 35 - Aircraft Propellers**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## **Subpart 37 - Aircraft Appliances and Other Aeronautical Products**

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## Subpart 41 - Airships

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Replaced by Subpart 521

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 26]

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## Subpart 49 - Amateur-Built Aircraft

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### 549.01 Requirements

A person who intends to construct an aircraft and obtain, under paragraph 507.03(b), a special certificate of airworthiness in the amateur-built category in respect of the aircraft must

(a) before starting construction,

(i) inform the Minister of the intention to construct the aircraft,

(ii) show that the aircraft design meets the standards specified in Chapter 549 of the *Airworthiness Manual*, and

(iii) show that the major portion of the aircraft will be constructed from raw material and assembled on a non-commercial, non-production basis for educational or recreational purposes; and

(b) during construction and again before the first flight, make the aircraft available to the Minister for inspection.

[Amended 1998/12/01 - No Previous Version]

[SOR/98-526, s. 3.]

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## Subpart 51 - Aircraft Equipment

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Repealed

[Repealed 2009/12/01 - Previous Version Dated 1998/12/01][Amended 1998/12/01 - No Previous Version]

[SOR/2009-280, s. 27]

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## Subpart 61 - Manufacture of Aeronautical Products

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[Amended 2007/12/01 - No Previous Version]

### 561.01 Interpretation

In this Subpart,

"design approval" - means a type certificate, a supplemental type certificate, a part design approval, a *Canadian Technical Standard Order* (CAN-TSO) design approval or a document equivalent to any of those documents that is issued by the airworthiness authority of a foreign state; (*approbation de conception*)

[Amended 2009/12/01 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - No Previous Version]

"manual" - means the manual established under Section 561.07; (*manuel*)

"Standard 561" - means - Standard 561 Standard for Approved Manufacturers. (*norme 561*)

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4; SOR/2009-280, s. 28.]

### 561.02 Application

This Subpart applies in respect of the manufacture of an aeronautical product in respect of which a design approval has been issued but does not apply in respect of

- (a) maintenance;
- (b) the manufacture of standard parts;
- (c) the manufacture of commercial parts; or
- (d) the manufacture of parts during a repair or modification under subsection 571.06(4).

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### 561.03 Manufacturer Certificate Application, Issuance and Amendment

**(1)** An applicant for the issuance or amendment of a manufacturer certificate respecting an aeronautical product shall submit an application to the Minister that includes the documents specified in Section 561.03 of Standard 561.



**(2)** An applicant for the issuance or amendment of a manufacturer certificate respecting an aeronautical product shall

(a) be the holder of, or applicant for, a design approval for that aeronautical product; or

(b) have written authorization from the holder of a design approval to manufacture that aeronautical product.

**(3)** An applicant for the issuance or amendment of a manufacturer certificate respecting an aeronautical product shall demonstrate that they have access to all present and future design data, process specifications and other related information necessary for the continuing airworthiness of the aeronautical product.

**(4)** The Minister shall issue or amend a manufacturer certificate authorizing an applicant to manufacture the aeronautical products set out in the manufacturer certificate if the applicant meets the requirements of this Subpart.

**(5)** A manufacturer certificate may authorize the manufacture of a limited number of an aeronautical product where

(a) an applicant has made an application for a design approval for that aeronautical product but it has not yet been issued; or

(b) an applicant is about to enter into a license agreement with the holder of the design approval for that aeronautical product.

**(6)** Unless an expiry date is specified in the manufacturer certificate issued under subsection (4), the certificate shall remain in effect until it is surrendered by the manufacturer or suspended or cancelled.

**(7)** A manufacturer certificate is not transferable.

**(8)** Except as provided in Section 561.06, the final assembly facilities for an aeronautical product specified in a manufacturer certificate shall be located in Canada.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

## **561.04 Management Personnel**

**(1)** The holder of a manufacturer certificate shall

(a) appoint a person to be responsible for all the activities performed under this Subpart

and specified in the manual;

(b) ensure that the person appointed has acquired experience in the areas of responsibility set out in subsection 561.04(1) of Standard 561; and

(c) ensure that the person appointed demonstrates to the Minister, within 30 days after their appointment, knowledge of the topics set out in subsection 561.04(2) of Standard 561.

**(2)** The Minister shall conduct an interview, in accordance with subsection 561.04(3) of Standard 561, to assess the appointed person's knowledge of the topics referred to in paragraph (1)(c).

**(3)** The Minister shall notify the person appointed of the results of the assessment and, if applicable, identify any deficiencies in their knowledge of the topics within ten days after the interview.

**(4)** A person who, at the time this Section comes into force, is already performing the functions referred to in paragraph (1)(a) may be appointed under that paragraph without meeting the requirements of paragraphs (1)(b) and (c).

**(5)** The holder of a manufacturer certificate shall provide the person appointed with the authority and the financial and human resources necessary to ensure that the requirements of this Subpart are met.

**(6)** The person appointed may assign responsibility for the management of specific activities, systems or programs required by this Subpart to other persons, provided that the assignments and the scope of the assigned responsibilities are specified in the manual.

**(7)** The holder of a manufacturer certificate shall ensure that no person is appointed under paragraph (1)(a) or remains responsible for the activities referred to in that paragraph if, at the time of their appointment or during their tenure, they have a record of conviction for

(a) an offence under Section 7.3 of the Act; or

(b) two or more offences in respect of Section 561.10 of these Regulations, not arising from a single occurrence.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4; SOR/2019-119, s. 27(F).]

## **561.05 Resources**

The holder of a manufacturer certificate shall have, and ensure that any supplier referred to in

Section 561.13 has, the financial and human resources necessary for the manufacture and inspection of any aeronautical product specified in the manufacturer certificate, including those specified in Section 561.05 of Standard 561.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.06 Facilities Located in a Foreign State**

If an arrangement exists between Canada and a foreign state concerning the manufacture of an aeronautical product, the holder of a manufacturer certificate may be authorized to perform their activities under the certificate in facilities located in that foreign state if the holder

- (a) submits a written application to that effect to the Minister;
- (b) gives, by a written agreement, an undertaking to the Minister to ensure that the Minister has access to those facilities to verify that the performance of the activities complies with the requirements of the *Act* and these Regulations, as if those facilities were located in Canada; and
- (c) undertakes to pay the expenses referred to in paragraphs 104.04(1)(a) and (b) incurred by the Department of Transport under paragraph (b).

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.07 Manual**

**(1)** The holder of a manufacturer certificate shall establish, maintain and require the use of a manual that must include the information set out in Section 561.07 of Standard 561 and that sets out policies and procedures respecting the construction and inspection of the aeronautical products specified in the manufacturer certificate.

**(2)** Subject to subsection (4), the person appointed under paragraph 561.04(1)(a) shall ensure that any person who performs work under a manufacturer certificate complies with the manual.

**(3)** Repealed.

**(4)** Subject to the following conditions, the holder of a manufacturer certificate and any person who performs work under a manufacturer certificate may temporarily be authorized to use alternative policies and procedures to comply with subsections (2) and (3):

- (a) they have determined that, as a result of unforeseen or temporary circumstances,

compliance with the manual would be impossible or unreasonable;

(b) they believe on reasonable grounds that the safety of the aeronautical product can be achieved by complying with the alternative policies and procedures;

(c) they have notified the Minister in writing; and

(d) the Minister has notified them in writing that they can use those alternative policies and procedures.

**(5)** The holder of a manufacturer certificate shall submit the manual and any subsequent amendment to the Minister for approval.

**(6)** The Minister shall approve the manual and any subsequent amendment if they meet the requirements of this Subpart and Standard 561.

**(7)** If the manual no longer meets the requirements of this Subpart or Standard 561, the holder of a manufacturer certificate shall

(a) submit an amendment to the manual for the Minister's approval; or

(b) amend the manual immediately if instructed to do so by the Minister.

**(8)** The person who has been assigned the responsibility under subsection 561.04(6) shall amend each copy of the manual within 30 days after receiving the Minister's approval of an amendment to it.

**(9)** A manual may incorporate other documents by reference if it includes policies and procedures to control the incorporated material.

**(10)** The person appointed under paragraph 561.04(1)(a) shall ensure that any part of the manual or incorporated document that is relevant to the work to be performed is made available to each person who performs that work.

[Effective 2019/08/08 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4; SOR/2015-160, s. 25(F); SOR/2019-295, s. 10.]

### **561.08 Production Control System**

**(1)** The holder of a manufacturer certificate shall establish and maintain a production control system that consists of systems and procedures set out in Section 561.08 of Standard 561 to ensure that aeronautical products comply with these Regulations throughout the manufacturing process.

**(2)** The production control system shall be under the control of

(a) the person appointed under paragraph 561.04(1)(a) ; or

(b) a person assigned the responsibility for the management of the production control system under subsection 561.04(6).

**(3)** The person referred to in subsection (2) who has control of the production control system shall ensure that the activities carried out under the manufacturer certificate for which they have been assigned responsibility are in compliance with this Subpart.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.09 Quality Assurance Program**

**(1)** The holder of a manufacturer certificate shall, in order to ensure that all aspects of the activities carried out under the manufacturer certificate continue to comply with these Regulations, establish and maintain a quality assurance program, independent of the production control system, that

(a) is under the sole control of

(i) the person appointed under paragraph 561.04(1)(a) , or

(ii) a person assigned the responsibility for the management of the quality assurance program under subsection 561.04(6); and

(b) meets the requirements specified in Section 561.09 of Standard 561.

**(2)** The person referred to in paragraph (1)(a) shall ensure that records related to the findings from the quality assurance program are distributed to the appropriate manager for corrective action and follow up in accordance with the procedures specified in the manual.

**(3)** The person referred to in paragraph (1)(a) shall establish and maintain an audit system that consists of

(a) an initial audit, within 12 months after the day on which the manufacturer certificate is issued, that covers all aspects of the manufacturer's activities;

(b) subsequent audits conducted at the intervals set out in the manual;

(c) a record of each occurrence of compliance or non compliance found during an audit

referred to in paragraph (a) or (b);

(d) procedures for ensuring that each finding of an audit is communicated to them;

(e) follow up procedures for ensuring that corrective actions are effective; and

(f) a system for recording the findings of initial and periodic audits, corrective actions and follow ups.

**(4)** The records required under paragraph (3)(f) shall be retained for the greater of

(a) two audit cycles; and

(b) two years.

**(5)** The quality assurance program duties related to specific tasks or activities shall be performed by persons who are not responsible for and have not been involved in the performance of the tasks or activities being audited.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.10 Statement of Conformity**

**(1)** No person shall sign a statement of conformity in respect of an aeronautical product unless

(a) the statement contains the elements referred to in Section 561.10 of Standard 561;

(b) the person has been authorized to do so by the person in control of the production control system;

(c) the aeronautical product is specified in the manufacturer certificate; and

(d) the aeronautical product has been manufactured in accordance with this Subpart.

**(2)** No person shall authorize a person to sign, on behalf of the holder of a manufacturer certificate, a statement of conformity unless the person being authorized has complied with the policies and procedures set out in the manual and has successfully completed the training required under Section 561.11.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.11 Training Program**

The holder of a manufacturer certificate shall

(a) establish and maintain a training program that includes the initial training, updating and any other training set out in Section 561.11 of Standard 561 to ensure continued qualification that is appropriate to the function to be performed or supervised; and

(b) ensure that persons who are authorized to perform or supervise the performance of any function required under this Subpart are trained in respect of the parts of the policies and procedures of the holder of the manufacturer certificate and the parts of these Regulations applicable to that function.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.12 Personnel Records**

**(1)** The holder of a manufacturer certificate shall establish and maintain a personnel record for each employee of the manufacturer and retain each record for at least three years after the end of their employment.

**(2)** A personnel record may be in paper or electronic form and shall include all of the employee's qualifications, all authorizations to sign a statement of conformity pursuant to Section 561.10 and a description of the training referred to in Section 561.11.

**(3)** The holder of a manufacturer certificate shall ensure that a copy of any record required by this Section is provided to the employee referred to in the record on the completion of each training activity or the granting of an authorization to sign a statement of conformity under Section 561.10.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

### **561.13 Control of Suppliers**

**(1)** The holder of a manufacturer certificate who contracts work to a supplier shall ensure that

(a) a written agreement with the supplier specifies the work to be performed by the supplier and provides that the Minister may have access to and inspect the supplier's facilities and records to ensure compliance with this Subpart;

(b) work is contracted only to suppliers that have been evaluated in accordance with the policies and procedures set out in the manual;

(c) work is done under the holder's supervision and is subject to the quality assurance program set out in Section 561.09;

(d) the supplier's capability to perform the contracted work is evaluated and monitored; and

(e) the aeronautical product conforms to its approved design.

**(2)** If a supplier holds, in respect of an aeronautical product, a manufacturer certificate or an equivalent document issued by a foreign state with which Canada has an airworthiness agreement or similar arrangement, the issuance of the supplier's own statement of conformity in respect of that product is considered as meeting the requirements of paragraphs (1)(c) to (e).

**(3)** No supplier who performs work for a holder of a manufacturer certificate under this Subpart shall subcontract the work to another supplier without having first obtained the written consent of the holder of a manufacturer certificate.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

#### **561.14 Aeronautical Product Records**

**(1)** The holder of a manufacturer certificate shall establish and maintain records for each aeronautical product manufactured under a manufacturer certificate, including those specified in Section 561.14 of Standard 561.

**(2)** The holder of a manufacturer certificate shall ensure that product records are kept for at least three years after the day on which the statement of conformity was signed.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

#### **561.15 Service Difficulty Reporting**

The holder of a manufacturer certificate shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V, any reportable service difficulty related to an aeronautical product being manufactured.

[Amended 2009/12/01 - Previous Version Dated 2007/12/01][Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4; SOR/2009-280, s. 29.]

#### **561.16 Cessation of Manufacturing**

The holder of a manufacturer certificate shall notify the Minister in writing of the permanent



cessation of the manufacture of an aeronautical product specified in the manufacturer certificate within 30 days after cessation.

[Amended 2007/12/01 - No Previous Version]

[SOR/2005-348, s. 4.]

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## **Subpart 71 - Aircraft Maintenance Requirements**

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### **571.01 Application**

This Subpart applies, with the exception of remotely piloted aircraft systems that include remotely piloted aircraft having a maximum take-off weight of 25 kg (55 pounds) or less, ultra-light aeroplanes and hang gliders, in respect of the maintenance and elementary work performed on

- (a) Canadian aircraft;
- (b) foreign aircraft operated under Part IV or VII;
- (c) foreign aircraft, other than aircraft referred to in paragraph (b), if the maintenance or elementary work is performed under the terms of an agreement or technical arrangement between Canada and the state of registry of the aircraft; and
- (d) parts intended for installation on aircraft referred to in paragraphs (a) to (c).

[Effective 2019/01/09 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 3; SOR/2019-11, s. 14.]

### **571.02 Maintenance and Elementary Work Performance Rules**

[Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 4]

**(1)** Subject to subsection (2), a person who performs maintenance or elementary work on an aeronautical product shall use the most recent methods, techniques, practices, parts, materials, tools, equipment and test apparatuses that are

- (a) specified for the aeronautical product in the most recent maintenance manual or instructions for continued airworthiness developed by the manufacturer of that aeronautical product;
- (b) equivalent to those specified by the manufacturer of that aeronautical product in the

most recent maintenance manual or instructions for continued airworthiness; or

(c) in accordance with recognized industry practices at the time the maintenance or elementary work is performed.

**(2)** A person who performs maintenance or elementary work pursuant to subsection (1) shall ensure that any measuring device or test equipment used

(a) meets the specifications of the manufacturer of the aeronautical product with respect to accuracy, taking into account the intended use; and

(b) if calibration requirements are published by the manufacturer of the measuring device or test equipment, is calibrated by means traceable to a national standard.

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

**(3)** Except if the work is performed in respect of an aircraft that is operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, no person shall supervise, or perform without supervision, an inspection using a method set out in column I of an item of Schedule I to this Subpart, unless the person holds the personnel certification set out in column II of that item.

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-112, s. 4; SOR/2003-122, s. 1.]

### **571.03 Recording of Maintenance and Elementary Work**

A person who performs maintenance or elementary work on an aeronautical product shall ensure that

(a) the details required by Standard 571 - Maintenance are entered in the technical record for the aeronautical product, in respect of the task performed; and

(b) the technical record is accurate with respect to any outstanding elements of the work performed, in particular, the need to secure any fastening device that was disturbed to facilitate the work.

[Effective 2019/05/29 - Previous Version Dated 1996/10/10]

[SOR/2019-122, s. 21.]

### **571.04 Specialized Maintenance**

No person shall perform the specialized maintenance set out in Schedule II to this Subpart on an aeronautical product other than an aircraft operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, except in accordance

with

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

(a) a maintenance policy manual (MPM) established by the holder of an approved maintenance organization (AMO) certificate issued pursuant to Section 573.02 with a rating of a category appropriate to the work to be performed; or

(b) a foreign document equivalent to an MPM established by a maintenance organization approved under the laws of a state that is party to an agreement with Canada, and the agreement provides for recognition of the work to be performed.

[SOR/2002-112, s. 5.]

### **571.05 Maintenance of Aircraft Operated Under Part IV or VII**

[SOR/2000-404, s. 5]

Except in the case of a balloon, no person shall perform maintenance on an aircraft operated under Part IV or VII, or install on one of the foregoing a part that has undergone maintenance, unless the maintenance on that aircraft or part has been performed in accordance with

(a) a maintenance policy manual (MPM) established by the holder of an approved maintenance organization (AMO) certificate issued pursuant to Section 573.02 with a rating of a category appropriate to the work to be performed; or

(b) a foreign document equivalent to an MPM established by a maintenance organization approved under the laws of a state that is party to an agreement with Canada and the agreement provides for recognition of the work to be performed.

[Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 6.]

### **571.06 Repairs and Modifications**

**(1)** Except as provided in subsection (5) and in the case of aircraft that are operated under a special certificate of airworthiness in the owner-maintenance classification, a person who signs a maintenance release in respect of a major repair or major modification on an aeronautical product shall ensure that the major repair or major modification conforms to the requirements of the relevant technical data

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(a) that have been approved or the use of which has been approved within the meaning of the term "approved data" in Section 571.06 of the *Airworthiness Manual*; or

[Amended 2000/12/01- No Previous Version]

(b) that have been established within the meaning of the term "specified data" in Section 571.06 of the *Airworthiness Manual*.

[Amended 2000/12/01 - No Previous Version]

(2) Except as provided in subsection (5), a person who signs a maintenance release in respect of a repair or modification, other than a major repair or major modification, shall ensure that the repair or modification conforms to the requirements of the relevant technical data within the meaning of the term "acceptable data" in Section 571.06 of the *Airworthiness Manual*.

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(3) Where an additional flight authority has been issued pursuant to paragraph 507.08(1)(c) in respect of an aircraft, no person shall change the configuration of the aircraft in such a manner that the aircraft no longer meets the conditions subject to which the flight authority applicable to the aircraft prior to the modification was issued, unless

(a) the person makes an entry in the aircraft journey log required by Section 605.94 indicating the flight authority that is in effect for the modified aircraft; or

(b) the change is made in accordance with technical dispatch procedures required by Section 706.06.

(4) Repairing or modifying an aeronautical product may include the making of a part in conformity with the standards specified in Section 571.06 of the *Airworthiness Manual*, if no part made is

(a) marked with the part number specified in the type design; or

(b) installed by a person or organization other than the person or organization that made the part.

[Amended 2003/06/01 - Previous Version Dated 1996/10/10]

(5) A person who signs a maintenance release in respect of a repair or modification performed on a foreign aeronautical product under the terms of an agreement or a technical arrangement between Canada and the aircraft's state of registry shall ensure that the repair or modification conforms to the requirements of the relevant technical data that are specified in the agreement or technical arrangement.

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 7; SOR/2002-112, s. 6; SOR/2003-122, s. 2.]

## **571.07 Installation of New Parts**

**(1)** No person shall install a new part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of new parts and, subject to subsections (2) and (3), has been certified under Subpart 61.

**(2)** No certification referred to in subsection (1) is required where

(a) a new part is a foreign-manufactured part that is certified pursuant to an agreement with Canada, which agreement provides for the acceptance of export airworthiness certification;

(b) a new part is a foreign-manufactured part that is obtained from a manufacturer holding a type design recognized in Canada and the part is certified in accordance with the laws of the state of manufacture;

(c) a new part, whose accompanying documentation has been verified, has been inspected in accordance with the requirements of Standard 571 - Maintenance;

(d) a new part is installed on an aircraft that is operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification; or

(e) a part is made in accordance with subsection 571.06(4).

**(3)** No certification referred to in subsection (1) is required in respect of a new part that bears markings identifying it as a part specified in the type design and that

(a) is a standard part;

(b) is a commercial part; or

(c) is a part that was not originally designed and manufactured for aeronautical use but has been approved for use on the aeronautical product in the type design.

(d) Repealed.

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[SOR/2002-112, s. 7; SOR/2005-348, s. 5; SOR/2009-280, s. 30; SOR/2019-122, s. 21.]

### **571.08 Installation of Used Parts**

**(1)** No person shall install a used part on an aeronautical product, other than aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the part meets the standards of airworthiness that are

applicable to the installation of used parts and are set out in Standard 571 - Maintenance and

(a) is an airworthy part that has been removed from an aircraft for immediate installation on another aircraft;

(b) is an airworthy part that has undergone maintenance for which a maintenance release has been signed pursuant to paragraph 571.11(2)(c); or

(c) has been inspected and tested to ensure that the part conforms to its type design and is in a safe condition, and a maintenance release has been signed to that effect.

**(2)** If, under the terms of a loan agreement or an air operator parts pooling agreement, a used part has been obtained from a source not subject to these Regulations, no person shall permit the part to remain in service for longer than 90 days unless specifically authorized by the Minister on receipt of documentation demonstrating that the part conforms to the applicable type design.

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[SOR/2002-112, s. 8; SOR/2019-122, s. 21.]

### **571.09 Installation and Disposal of Life-limited Parts**

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-112, s. 9]

**(1)** No person shall install a used life-limited part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of life-limited parts and

(a) the technical history of the part within the meaning of Section 571.09 of the *Airworthiness Manual* is available to show that the time in service authorized for that part in the type certificate governing the installation has not been exceeded; and

(b) the history referred to in paragraph (a) is incorporated into the technical record for the aeronautical product on which the part is installed.

**(2)** No person shall install a used life-limited part in a place other than that from which it was removed unless the part is installed

(a) in the same or in an identical position on another aeronautical product bearing the same part number as that from which the part was removed; or

(b) in conformity with the requirements in respect of technical data that have been approved or the use of which has been approved within the meaning of Section 571.09 of

the *Airworthiness Manual*.

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**(3)** When a life-limited part has reached the time in service authorized in its type design, the part shall be

(a) rendered unusable; or

(b) identified as not airworthy and kept segregated from airworthy parts.

[Amended 2002/03/01 - No Previous Version]

[SOR/2002-112, s. 10.]

### **571.10 Maintenance Release**

**(1)** No person shall sign a maintenance release required pursuant to Section 605.85 or permit anyone whom the person supervises to sign a maintenance release, unless the standards of airworthiness applicable to the maintenance performed and stated in Standard 571 - Maintenance have been complied with and the maintenance release meets the applicable requirements specified in Section 571.10 of the *Airworthiness Manual*.

**(2)** Except as provided in subsection (4), a maintenance release shall include the following, or a similarly worded, statement:

"The described maintenance has been performed in accordance with the applicable airworthiness requirements."

**(3)** No maintenance release is required in respect of any task designated as elementary work in the *Aircraft Equipment and Maintenance Standards* that is performed by

(a) in the case of a glider, a balloon or an unpressurized small aircraft that is powered by a piston engine and not operated pursuant to Part IV or VII, the pilot of the aircraft;

(b) in the case of an aircraft operated under Part IV or VII, a person who has been trained and authorized in accordance with the flight training unit's or the air operator's maintenance control manual (MCM), approved under Subpart 6 of Part IV or of Part VII, respectively; or

(c) in the case of an aircraft operated pursuant to Subpart 4 of Part VI, a person who has been trained in accordance with those sections of a private operator's operations manual that contain details of the operator's maintenance control system.

**(4)** Where a person signs a maintenance release in respect of maintenance performed on an

aircraft, the satisfactory completion of which cannot be verified by inspection or testing of the aircraft on the ground, the maintenance release shall be made conditional on the satisfactory completion of a test flight carried out pursuant to subsections 605.85(2) and (3), by the inclusion of the phrase "subject to satisfactory test flight".

**(5)** No person shall sign a maintenance release in respect of specialized maintenance unless the requirements of Section 571.04 have been met.

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[SOR/2000-404, s. 8; SOR/2003-154, s. 6(F); SOR/2019-122, s. 21.]

### **571.11 Persons Who May Sign a Maintenance Release**

**(1)** Except as provided in subsections (2) and (7), no person other than the holder of an aircraft maintenance engineer (AME) licence issued under Part IV, specifying a rating appropriate to the aeronautical product being maintained, shall sign a maintenance release as required by Section 571.10.

**(2)** A person other than a person described in subsection (1) may sign a maintenance release if

(a) in the case of maintenance performed outside Canada,

(i) the person is authorized to sign under the laws of a state that is party to an agreement or a technical arrangement with Canada and the agreement or technical arrangement provides for such certification, or

(ii) if no agreement or technical arrangement provides for such certification, the person holds qualifications that the Minister determines to be equivalent to those of a person described in subsection (1);

(b) in the case of maintenance performed on an aircraft that is operated under a special certificate of airworthiness in the amateur-built classification, the person is an owner of the aircraft;

(c) in the case of maintenance performed on a part that is intended for installation on an aircraft, the person has been authorized to sign by the holder of an approved maintenance organization (AMO) certificate issued under Section 573.02, and

(d) in the case of maintenance performed on an aircraft that is operated under a special certificate of airworthiness in the owner-maintenance classification, the person is a licensed pilot and an owner of the aircraft.



**(3)** Except as provided in subsection (7), no person shall sign a maintenance release in respect of maintenance performed on an aircraft operated under Part IV or VII, or on parts intended to be installed on the aircraft, unless

(a) the person is authorized to sign in accordance with a maintenance policy manual (MPM) established by the holder of an AMO certificate issued under Section 573.02 with a rating of a category appropriate to the work performed; or

(b) if the maintenance is performed outside Canada, the person is authorized to sign in accordance with a foreign document equivalent to an MPM, established by a maintenance organization approved under the laws of a state that is party to an agreement or technical arrangement with Canada and the agreement or technical arrangement provides for such certification.

**(4)** Except as provided in subsections (5) and (7), no person shall sign a maintenance release in respect of maintenance performed on a transport category aeroplane or a turbine-powered helicopter, unless the person

(a) has successfully completed a course of maintenance training that has been approved by the Minister and that is applicable to the type of aircraft, engine or system on which the maintenance is performed, in accordance with Appendix M of Standard 571 - Maintenance; or

(b) held a type rating applicable to the type of aircraft, engine or system on which the maintenance is performed, issued by the Minister before August 1, 1999.

**(5)** The holder of an applicable AME licence may sign a maintenance release in respect of maintenance performed on a transport category aeroplane or a turbine-powered helicopter that consists of any of the types of work set out in Schedule III without having successfully completed the course required by paragraph (4)(a) and without having held the type rating required by paragraph (4)(b).

**(6)** If a maintenance release is signed by a person in respect of work performed by another person, the person signing the maintenance release must personally observe the work to the extent necessary to ensure that it is performed in accordance with the requirements of any applicable standards of airworthiness and, specifically, the requirements of Sections 571.02 and 571.10.

**(7)** A person who is not the holder of an AME licence specifying a rating appropriate to the aeronautical product being maintained may sign a maintenance release if the person holds a

restricted certification authority issued in accordance with subsection (8), in respect of a particular case specified on the restricted certification authority.

**(8)** The Minister shall issue a restricted certification authority and specify therein its validity period and the scope of the work that may be performed, if

(a) an application is made in accordance with Section 571.11 of the *Airworthiness Manual*;

(b) the applicant demonstrates to the Minister that there is no holder of an AME licence specifying a rating appropriate to the aeronautical product being maintained available within a geographical area accessible within one hour by surface transportation;

(c) the person to whom the restricted certification authority is to be issued has received the training and has the knowledge equivalent to that of a holder of an AME licence specifying a rating appropriate to the aeronautical product being maintained; and

(d) the level of aviation safety is not affected by the issuance of the restricted certification authority.

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[SOR/2000-404, s. 9; SOR/2002-112, s.11; SOR/2019-122, s. 3]

### **571.12 Reporting Major Repairs and Major Modifications**

A person who performs a major repair or major modification on an aeronautical product or installs on an aircraft a part that has undergone a major repair or major modification shall report the action to Minister in accordance with the procedures specified in Section 571.12 of the *Airworthiness Manual*.

### **571.13 Installation of Parts (General)**

**(1)** Subject to Sections 571.07 to 571.09, no person shall install a part on an aeronautical product unless the part is

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(a) inspected and its accompanying documentation verified in accordance with a procedure that ensures that the part conforms to its type design, as is indicated by the maintenance release; and

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(b) installed in accordance with the requirements of Section 571.13 of the *Airworthiness Manual*.

**(2)** If a part is obtained from an aeronautical product that was damaged or permanently withdrawn from service, the part shall not be installed unless it

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(a) can be traced to the manufacturer certificate holder; and

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(b) is inspected in conformity with the instructions for continued airworthiness or, if the part has been repaired or modified, it can be ascertained that the work was performed in accordance with approved data within the meaning of Section 571.06 of the *Airworthiness Manual*.

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-112, s. 12.]

**Schedule I - Personnel Certification for Non-destructive Testing (NDT)**

*(Subsection 571.02(3))*

	Column I	Column II
Item	Method	Personnel Certification
1.	NDT using liquid penetrant, magnetic particle, eddy current or ultrasonic methods, not performed pursuant to Appendix K of Standard 571 - <i>Maintenance</i>	CAN/CGSB 48.9712-95, Level 2 or Level 3; MIL-Std-410; or Specification ATA 105
2.	NDT using radiographic methods	Level 2 or Level 3 of the following standards:  CAN/CGSB 48.9712-95 or MIL-Std-410; or Level 2 or Level 3 of the following specification:  ATA 105

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## **Schedule II - Specialized Maintenance**

(Section 571.04)

### **Specialized Maintenance**

The following tasks constitute the specialized maintenance referred to in Section 571.04 of these Regulations.

#### **1. Airframe**

**(1)** The modification, repair or replacement by riveting, bonding or laminating, or the making of any of the following airframe parts is structural specialized maintenance:

- (a) a box beam;
- (b) a wing stringer or chord member;
- (c) a spar;
- (d) a spar flange;
- (e) a member of a truss-type beam;
- (f) the web of a beam;
- (g) a keel or chine member of a flying boat hull or a float;
- (h) a corrugated sheet compression member in a wing or tail surface;
- (i) a wing main rib;
- (j) a wing or tail surface brace strut;
- (k) an engine mount;
- (l) a fuselage longeron or frame;
- (m) a member of a side truss, horizontal truss or bulkhead;
- (n) a seat support brace or bracket, excluding the replacement of seat rails;

- (o) a seat rail replacement for transport category aircraft;
- (p) a landing gear strut or brace strut;
- (q) an axle;
- (r) a wheel; and
- (s) a ski or ski pedestal, excluding the replacement of a low-friction coating.

**(2)** The modification or repair of any of the following parts of an airframe is structural specialized maintenance:

- (a) aircraft skin, or the skin of an aircraft float, if the work requires the use of a support, jig or fixture;
- (b) aircraft skin that is subject to pressurization loads, if the damage to the skin measures more than 15 cm (6 inches) in any direction;
- (c) a load-bearing part of a control system, including a control column, pedal, shaft, quadrant, bellcrank, torque tube, control horn and forged or cast bracket, but excluding
  - (i) the swaging of a repair splice or cable fitting, and
  - (ii) the replacement of a push-pull tube end fitting that is attached by riveting; and
- (d) any other structure that a manufacturer has identified as a primary structure in its maintenance manual, structural repair manual or any instructions for continuing airworthiness.

## **2. Engine**

Any of the following types of tasks is engine specialized maintenance:

- (a) the reassembly of a multi-part engine crankshaft or a crankshaft equipped with a dynamic counterweight system;
- (b) the reassembly of the crankcase of a reciprocating engine that is equipped with an integral supercharger or a propeller reduction gear;
- (c) the overhaul of a reciprocating engine that is equipped with an integral or turbo supercharger; and

(d) the overhaul of a turbine engine or turbine engine module.

### **3. Propeller**

Any of the following types of propeller repair, if the work is beyond the limits recommended in the manufacturer's maintenance manual or service instructions for service in the field is propeller specialized maintenance:

(a) the re-contouring, twisting, shortening or straightening of a propeller blade or the blending of damage thereto;

(b) the repair or machining of a propeller hub, excluding the removal of surface corrosion or application of a protective coating;

(c) the reinstallation of a metal leading edge sheath or tip of a wooden blade;

(d) the replacement of the outer protective coating on a wooden blade, excluding the restoration of varnish;

(e) the repair of an elongated propeller attachment or propeller blade attachment bolt hole;

(f) the inlaying of a repair patch on a wooden blade;

(g) the repair of a composite blade; and

(h) an overhaul or repair involving the reassembly of a controllable-pitch propeller, excluding the reassembly of a propeller that has been disassembled for shipping purposes, or the replacement of seals.

### **4. Avionics**

**(1)** The repair of avionics components and systems is avionics specialized maintenance, except for:

(a) repairs of wiring and connectors;

(b) replacement of connectors and electrical components with identical or equivalent items;

(c) replacement of antennas with identical or equivalent items;

(d) replacement of integral fuses and lighting components when the line replaceable

unit (LRU) is designed for flight-line replacement of these components;

(e) replacement of an avionics LRU provided that any testing required can be done using standard test equipment, built-in test equipment (BITE) or equipment specified in the aircraft manufacturer's instructions for continuing airworthiness;

(f) on-site management of passenger entertainment systems performed in accordance with the applicable instructions in the maintenance manual of the aircraft or systems manufacturer or the manufacturer's instructions for continuing airworthiness; and

(g) routine maintenance that is described in the aircraft manufacturer's maintenance manual or instructions for continuing airworthiness or performed in accordance with currently recognized industry practices for service in the field.

**(2)** Any avionics system installation or modification is avionics specialized maintenance except for:

(a) installation of ELT systems conforming to the CAN-TSO as set out in Section 551.104 of Chapter 551 - Aircraft Equipment and Installation of the *Airworthiness Manual*, if the ELT systems are not interfaced with any other systems;

(b) installation of single VHF communication or single integrated navigation/communication systems that are not interfaced with any other system, other than an intercom system;

(c) installation of VFR long-range navigation systems which are not interfaced with any other systems;

(d) modifications to existing avionics installations, where no additional test requirements are imposed on the affected system other than those which would be required following routine maintenance of that system;

(e) installation of instruments which are not interfaced with any other systems; and

(f) replacement of an avionics LRU where equivalency is maintained, and where no additional test requirements are imposed on the affected system other than those which would be required following routine maintenance of that system.

## 5. Instrument

Maintenance of instruments, other than display devices whose operation is integrated with an appliance to which another category of specialized maintenance applies, if the work is beyond

the limits recommended in the manufacturer's maintenance manual or service instructions for service in the field, is instrument specialized maintenance.

## **6. Component**

Any of the following types of maintenance of an appliance or component, where the work is beyond the limits recommended in the manufacturer's maintenance manual or service instructions for service in the field, is component specialized maintenance:

- (a) the reassembling of valves that are activated electrically or through the use of controlled fluid pressure;
- (b) the calibrating or flow checking of any fuel-metering or air-metering component, other than a float-type carburetor;
- (c) the overhaul of any pressure-type fuel, oil, pneumatic or hydraulic pump;
- (d) a repair involving the disassembly of speed-regulating devices, including an engine or propeller governor or a constant-speed drive;
- (e) the overhaul of a rotor head, transmission or any mechanism used to transmit power to the rotors of a tilt-wing aircraft or helicopter;
- (f) the repair of a helicopter rotor blade;
- (g) the rewinding of the field coil or armature of an electrical accessory;
- (h) the overhaul of an aircraft magneto; and
- (i) the patch repair of a bladder-type fuel tank.

## **7. Welding**

The welding of the following parts is welding specialized maintenance:

- (a) any part of the primary structure, including a wheel, an axle and a passenger restraint or cargo restraint system;
- (b) any part of an aircraft system, including a fuel tank, an oil tank and a pneumatic or hydraulic reservoir; and
- (c) any structural or dynamic engine part.



## 8. Non-destructive Testing (NDT)

Any required inspection of an aeronautical product that uses liquid penetrant, magnetic particle, radiographic, ultrasonic or eddy current methods, unless the inspection is performed under Appendix K to Standard 571 - Maintenance, is Non-Destructive Testing (NDT) Specialized Maintenance.

[Amended 2020/11/25 - Previous Version Dated 2009/12/01][Amended 2009/12/01 - Previous Version Dated 2003/06/01][Amended 2003/06/01 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 11; SOR/2003-122, s. 3; SOR/2009-280, s. 31; SOR/2020-238, s. 4.]

### Schedule III - Types Of Work

#### (Subsection 571.11(5))

1.	Application of fabric patches to aircraft skin, not involving the removal of control surfaces
2.	Replacement of tires, wheels, brakes, skis, landing skids and skid shoes
3.	Replenishment and charging of oleos
4.	Replacement of seats, safety belts and seat harnesses
5.	Repair of upholstery and cabin trim, repositioning of non-structural cabin compartment dividers and passenger service units
6.	Removal and replacement of cabin doors in non-pressurized aircraft
7.	Cleaning, testing and replacement of spark-plugs and igniters
8.	Checking of cylinder compression
9.	Draining and replenishment of oil systems
10.	Cleaning and replacement of fuel, oil and air filters
11.	Checking and replacement of magnetic chip detectors
12.	Adjustment of generator and alternator drive belt tension

13.	Replacement, charging, testing and deep cycling of batteries
14.	Replacement of fuses, light-bulbs and reflectors
15.	Replacement of voice communication line replaceable units designed for rapid replacement
16.	Replacement of instruments and indicators that do not require calibration or adjustment after installation
17.	Opening and securing of circuit breakers in accordance with an approved minimum equipment list
18.	Calibration and adjustment of direct reading magnetic direction indicators
19.	Leak testing of pitot-static systems
20.	Disabling and locking of thrust reverser systems in accordance with an approved minimum equipment list
21.	Stowage of airstairs and doors by other than normal means, in accordance with an approved minimum equipment list
22.	Installation of slides, rafts and emergency equipment
23.	Aircraft structural repairs that do not affect aircraft systems

[Amended 2000/12/01 - No Previous Version]

[SOR/2000-404, s. 11.]

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## **Subpart 73 - Approved Maintenance Organizations**

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### **Division I - General**

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[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 14]

### **573.01 Application for Approval**

[SOR/2005-173, s. 29]

**(1)** An applicant for an approved maintenance organization (AMO) certificate or for an amendment of an AMO certificate that is in effect shall make an application in the form and manner specified in Standard 573 - Approved Maintenance Organizations.

**(2)** An applicant referred to in subsection (1) shall submit to the Minister with the application a copy of its maintenance policy manual (MPM) required pursuant to subsection 573.10(1).

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 28.]

### **573.02 Entitlement to and Scope of Certificate**

[SOR/2005-173, s. 29]

**(1)** The Minister shall issue to a maintenance organization that demonstrates that it meets the requirements of this Subpart an approved maintenance organization (AMO) certificate authorizing the maintenance of specified aeronautical products or the provision of specified maintenance services.

**(2)** The AMO certificate shall specify, in accordance with the criteria specified in Section 573.02 of Standard 573 - Approved Maintenance Organizations, any category in which ratings have been issued and shall list the aeronautical products that the AMO is authorized to maintain or the maintenance services that the AMO is authorized to perform.

**(3)** The scope of the work that may be performed under each rating specified on the AMO certificate is determined by limitations that are set out in the certificate.

**(4)** Unless an expiry date is specified in an AMO certificate issued pursuant to subsection (1), the certificate remains in effect until it is surrendered, suspended or cancelled.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 15.]

### **573.03 Duties of Certificate Holder**

**(1)** The holder of an approved maintenance organization (AMO) certificate shall

(a) appoint a person responsible for maintenance;

(b) ensure that the person responsible for maintenance meets the requirement set out in subsection 573.04(1);

(c) subject to subsection (4), ensure that the person responsible for maintenance

(i) has achieved a grade of 70% or more in an open-book examination that demonstrates knowledge of the provisions of the *Canadian Aviation Regulations*, and

(ii) meets the experience requirement set out in subsection 573.04(1) of Standard 573 - Approved Maintenance Organizations;

(d) ensure that the person responsible for maintenance demonstrates to the Minister knowledge of the topics set out in subsection 573.04(2) of Standard 573 - Approved Maintenance Organizations within 30 days after their appointment;

(e) ensure that the person responsible for maintenance performs the duties referred to in subsections 573.04(3) and 573.09(2) and (3);

(f) provide the person responsible for maintenance with the financial and human resources necessary to ensure that the holder of the AMO certificate meets the requirements of these Regulations;

(g) ensure that corrective actions are taken in respect of any findings resulting from a quality assurance program established under subsection 573.09(1) or a safety management system referred to in Section 573.30; and

(h) conduct reviews of the safety management system to determine its effectiveness.

**(2)** The Minister shall conduct an interview with the person appointed under paragraph (1)(a) to assess their knowledge of the topics referred to in paragraph (1)(d).

**(3)** The Minister shall notify the person appointed under paragraph (1)(a) of the results of the assessment and identify any deficiencies in their knowledge of the topics within ten days after the interview.

**(4)** The knowledge requirement set out in subparagraph (1)(c)(i) does not apply in respect of

(a) a person responsible for maintenance who held that position on January 1, 1997; or

(b) the holder of an aircraft maintenance engineer (AME) licence.

**(5)** The experience requirement set out in subsection 573.04(1)(a) of Standard 573 - Approved

Maintenance Organizations does not apply in the case of an AMO certificate in respect of which no rating in the aircraft, avionics, instrument, engine or propeller category has been issued if the accountable executive can demonstrate to the Minister by means of a risk assessment that the lesser experience is appropriate to the scope of work performed by the AMO and will not affect aviation safety or the safety of the public.

**(6)** The holder of an AMO certificate shall ensure that no person is appointed to be responsible for maintenance or remains responsible for maintenance if, at the time of their appointment or during their tenure, they have a record of conviction for

(a) an offence under Section 7.3 of the Act; or

(b) two or more offences under any of Sections 571.10 and 571.11 not arising from a single occurrence.

**(7)** The holder of a certificate referred to in subsection (1) shall ensure that the person managing the safety management system who is referred to in Section 573.32 performs the duties set out in that Section.

[Effective 2019/08/08 - Previous Version Dated 2005/11/21][Amended 2005/11/21 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 16; SOR/2005-357, s. 5; SOR/2019-295, s. 11.]

### **573.04 Person Responsible for Maintenance**

**(1)** The person responsible for maintenance shall, within 30 days after their appointment under paragraph 573.03(1)(a), submit to the Minister a signed statement that they accept the responsibilities of their position.

**(2)** Repealed.

**(3)** The person responsible for maintenance shall, where a finding resulting from a quality assurance program established under subsection 573.09(1) or a safety management system referred to in Section 573.30 is reported to them,

(a) determine what, if any, corrective actions are required and carry out those actions;

(b) keep a record of any determination made under paragraph (a) and the reason for it;

(c) if management functions have been assigned to another person under subsection (4) or (5), communicate any determination regarding a corrective action to that person; and

(d) notify the accountable executive of any systemic deficiency and of the corrective action

taken.

**(4)** The person responsible for maintenance may assign the management functions for the entire quality assurance program established under subsection 573.09(1) or for the safety management system referred to in 573.30 to another person if

(a) that person meets the requirements set out in paragraphs 573.03(1)(c) and (d) and subsection 573.03(6); and

(b) the assignment and its scope are described in the AMO's MPM.

**(5)** The person responsible for maintenance may assign the management functions for specific maintenance activities to another person if the assignment and its scope are described in the AMO's MPM.

**(6)** The responsibility of the person responsible for maintenance is not affected by the assignment to another person of management functions under subsection (4) or (5).

[Effective 2019/08/08 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 16; SOR/2019-295, s. 12.]

### **573.05 Authorization to Sign a Maintenance Release**

[SOR/2005-173, s. 29]

**(1)** No approved maintenance organization (AMO) certificate holder shall authorize a person to sign a maintenance release unless the person meets the applicable requirements of Section 571.11 and has successfully completed the training required by Section 573.06.

**(2)** No AMO certificate holder shall authorize a person to sign a maintenance release under paragraph 571.11(2)(c) unless the person has, in respect of the work being certified, demonstrated to the certificate holder levels of knowledge and experience that are appropriate and that meet the applicable criteria set out in Section 573.05 of Standard 573 - Approved Maintenance Organizations.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 17.]

### **573.06 Training Program**

[SOR/2005-173, s. 29]

**(1)** An approved maintenance organization (AMO) certificate holder shall implement a training program to ensure that persons authorized to perform or supervise the performance of any function under this Subpart are trained in respect of the regulations, the standards and the

AMO procedures applicable to that function.

**(2)** The program required by subsection (1) shall include initial training, updating and other training necessary, within the meaning assigned to those terms in Section 573.06 of Standard 573 - Approved Maintenance Organizations, to ensure continued qualification that is appropriate to the function to be performed or supervised.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 18.]

### **573.07 Personnel Records**

[SOR/2005-173, s. 29]

**(1)** An approved maintenance organization (AMO) certificate holder shall establish, maintain and retain for at least two years after an entry is made, for each affected person, a record of

(a) all personal qualifications in respect of appointments made pursuant to Section 573.03 and in respect of assignments of functions made pursuant to Section 573.04;

(b) all of the authorizations to sign a maintenance release pursuant to Section 573.05; and

(c) all of the training conducted pursuant to Section 573.06.

**(2)** An AMO certificate holder shall provide a copy of a record required by this Section to the person to whom the record refers on the completion of each training activity or the granting of an authorization referred to in paragraph (1)(b).

### **573.08 Facilities, Equipment, Standards and Procedures**

[SOR/2005-173, s. 29]

**(1)** An approved maintenance organization (AMO) certificate holder shall provide the facilities and equipment specified in Standard 573 - Approved Maintenance Organizations that are necessary for the work to be performed.

**(2)** Except in cases provided for in a maintenance policy manual (MPM), work performed by an AMO certificate holder shall be performed in the facilities required by subsection (1), unless unforeseen circumstances do not permit the work to be performed in those facilities and the safety of the aircraft is not affected by the fact that the work is performed elsewhere.

**(3)** Where an AMO uses standards equivalent to those of the manufacturer of an aeronautical product for the performance of work pursuant to paragraph 571.02(1)(b), those standards shall be identified in accordance with Section 573.10.

**(4)** Where a task undertaken by an AMO is divided into sub-tasks, the person appointed pursuant to Section 573.03 shall establish a system of task control to ensure that all of the sub-tasks are completed prior to the signing of a maintenance release in respect of the completion of that task.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 28.]

### **573.09 Quality Assurance Program**

[SOR/2005-173, s. 29]

**(1)** The holder of an approved maintenance organization (AMO) certificate shall establish and maintain a quality assurance program consisting of provisions for sampling maintenance processes to evaluate the AMO's ability to perform its maintenance in a safe manner.

**(2)** The person responsible for maintenance shall ensure that records relating to the findings resulting from the quality assurance program are distributed to the appropriate manager for corrective action and follow-up in accordance with the policies and procedures specified in the maintenance policy manual (MPM).

**(3)** The person responsible for maintenance shall establish an audit system in respect of the quality assurance program that consists of the following:

- (a)* an initial audit within 12 months after the date on which the AMO certificate is issued;
- (b)* subsequent audits conducted at intervals set out in the MPM;
- (c)* checklists of all activities controlled by the MPM;
- (d)* a record of each occurrence of compliance or non-compliance with the MPM found during an audit referred to in paragraph (a) or (b);
- (e)* procedures for ensuring that each finding of an audit is communicated to them and, if management functions have been assigned to another person under subsection 573.04(4) or (5), to that person;
- (f)* follow-up procedures for ensuring that corrective actions are effective; and
- (g)* a system for recording the findings of initial and periodic audits, corrective actions and follow-ups.

**(4)** The records required under paragraph (3)(g) shall be retained for the greater of



(a) two audit cycles; and

(b) two years.

**(5)** The duties related to the quality assurance program that involve specific tasks or activities within an AMO's activities shall be fulfilled by persons who are not responsible for carrying out those tasks or activities.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 19.]

### **573.10 Maintenance Policy Manual**

[SOR/2005-173, s. 29]

**(1)** An approved maintenance organization (AMO) certificate holder shall establish, maintain and authorize the use of a maintenance policy manual (MPM) that contains information to ensure the efficiency of the AMO's maintenance policies, dealing with the subjects set out in Standard 573 - Approved Maintenance Organizations.

**(2)** The Minister may authorize the incorporation by reference in an MPM of detailed procedures manuals and lists prepared by the AMO certificate holder, dealing with the subjects set out in Standard 573 - Approved Maintenance Organizations, where

(a) the policy affecting those detailed procedures and the composition of the lists is set out in the MPM;

(b) each incorporation is clearly indicated in the MPM; and

(c) the AMO certificate holder ensures that the incorporated procedures manuals and lists meet the requirements of this Section.

**(3)** Where detailed procedures manuals or lists are being incorporated by reference in an MPM, the person appointed pursuant to Section 573.03 or another person to whom that management function is assigned pursuant to Section 573.04 shall certify in writing that the incorporated documents and every amendment thereto meet the requirements of the policy established in the MPM with respect to those documents.

**(4)** An AMO certificate holder need not conform to the policy and procedures contained in its MPM, where the Minister has authorized the non-conformity in writing, after it has been demonstrated that such non-conformity would not affect the safety of the aeronautical product to be maintained or the maintenance service to be offered.

- (5) An AMO certificate holder shall submit each page of its MPM to the Minister for approval, either individually or in accordance with a procedure that ensures compliance with the requirements of Standard 573 - Approved Maintenance Organizations.
- (6) An AMO certificate holder shall amend its MPM when instructed to do so by the Minister, where the MPM does not
- (a) meet the requirements of this Subpart; or
  - (b) contain policies or procedures that are sufficiently detailed to demonstrate that the AMO's quality assurance program meets the requirements of these Regulations.
- (7) An AMO certificate holder shall take steps to ensure that a current copy of its MPM, or the portions thereof that are relevant to the task to be performed, is made available to each person who performs or certifies that task.
- (8) An AMO certificate holder shall amend each copy of its MPM within 30 days after receiving an approval issued pursuant to subsection (5).
- (9) The Minister shall, if the standards set out in Standard 573 - Approved Maintenance Organizations are met, approve an MPM and any amendments to that manual.

[Amended 2005/05/31 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-404, s. 12; SOR/2005-173, s. 28.]

### **573.11 Maintenance Arrangements**

[SOR/2005-173, s. 29]

- (1) Except as provided in subsection (2), no approved maintenance organization (AMO) certificate holder shall permit an external agent to perform maintenance on its behalf unless
- (a) the external agent holds an AMO certificate with a rating of a category specified pursuant to Section 573.02 that is appropriate to the type of work to be performed or the aeronautical product to be maintained;
  - (b) where the work is to be performed outside Canada, the external agent has been authorized to do the type of work to be performed or to perform maintenance on the type of aeronautical product to be maintained under the laws of a state that is party to an agreement with Canada and the agreement provides for the recognition of maintenance functions; or
  - (c) in all other cases, the performance of the maintenance by the person or organization has

been approved by the Minister as being in conformity with these Regulations.

**(2)** Subject to subsection (4), an AMO certificate holder may permit work to be performed by an external agent other than an agent described in subsection (1) where the work is performed in accordance with an arrangement that provides for it, under the direct supervision of the person appointed pursuant to Section 573.03 or 573.04 and certified by persons authorized to do so in accordance with the approved procedures set out in the AMO's maintenance policy manual (MPM).

**(3)** Arrangements respecting work to be performed by external agents pursuant to subsection (2) shall be made in accordance with procedures governing maintenance arrangements set out in the MPM or, if no such procedures are set out in the MPM, shall be approved by the Minister as ensuring conformity with the requirements of this Subpart.

**(4)** An AMO certificate holder that requests an external agent to perform work shall

(a) where the work is to be performed pursuant to subsection (1) or (2), be responsible for specifying the tasks to be performed by the agent and ensuring completion of the work; and

(b) where the work is to be performed pursuant to subsection (2), be responsible for ensuring the conformity of that work with the requirements of Subpart 71.

**(5)** A maintenance arrangement that is made by a foreign air operator to have its maintenance done in Canada by a person or organization that holds an AMO certificate issued pursuant to Section 573.02 shall be authorized by a maintenance specification issued to the AMO in accordance with the requirements of Standard 573 - Approved Maintenance Organizations, where the air operator is from a state that

(a) is party to an agreement with Canada that provides for recognition of the work performed and the issuance of a maintenance specification is specified in the agreement; or

(b) is not party to an agreement with Canada that provides for recognition of the work performed and the issuance of a maintenance specification is requested by that state.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s.28]

### **573.12 Service Difficulty Reporting**

[SOR/2005-173, s. 29]

The holder of an approved maintenance organization (AMO) certificate shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V, any reportable service difficulty

related to an aeronautical product being maintained.

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 32]

### **573.13 Foreign Approvals**

[SOR/2005-173, s. 29]

An application submitted by a maintenance organization for the issuance or amendment of an approved maintenance organization (AMO) certificate authorizing the performance of work in facilities located outside Canada is granted if

- (a) the applicant has demonstrated that the issuance of the approval in respect of those facilities is in the public interest as provided for in subsection 6.71(1) of the *Act*;
- (b) the applicant has recognized by advance agreement the Minister's right to enter and inspect those facilities and seize anything found in those facilities, under the same conditions as would govern the exercise of the Minister's powers pursuant to subsection 8.7(1) of the *Act* if the facilities were located in Canada;
- (c) the AMO has agreed to reimburse the Minister for any expenses incurred by Department of Transport personnel in carrying out the activities provided for in paragraph (b) in respect of those facilities; and
- (d) in the case of an AMO whose facilities are located outside Canada, the Minister specifies on the AMO certificate the date on which the certificate expires.

### **573.14 Identification of an AMO**

- (1)** No person, other than the holder of an approved maintenance organization (AMO) certificate issued in accordance with this Subpart, shall identify oneself as an AMO certificate holder.
- (2)** A person who holds an AMO certificate issued in accordance with this Subpart shall not include, in a list of approved maintenance services offered for aeronautical products, a service that is outside the scope of the person's AMO certificate.

### **573.15 Technical Records**

[SOR/2005-173, s. 29]

An approved maintenance organization (AMO) certificate holder shall maintain records in accordance with Section 573.15 of Standard 573 - Approved Maintenance Organizations for work performed on all aeronautical products maintained and keep those records for at least

two years beginning on the date that the maintenance release was signed.

[Amended 2003/06/01 - No Previous Version]

[SOR/2003-122, s. 4.]

### **573.16 to 573.29 Reserved**

[Amended 2005/05/31 - No Previous Version]

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## **Division II - Safety Management System**

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[Amended 2005/05/31 - No Previous Version]

### **573.30 Requirements**

The safety management system required under Section 107.02 in respect of an applicant for, or a holder of, an approved maintenance organization (AMO) certificate authorizing the holder to perform maintenance on an aircraft operated under Subpart 5 of Part VII shall

- (a) meet the requirements of Subpart 7 of Part I and Section 573.31; and
- (b) be under the control of the person responsible for maintenance appointed under paragraph 573.03(1)(a).

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 20.]

### **573.31 Components of the Safety Management System**

**(1)** The safety management system shall include, among others, the following components:

- (a) a safety management plan that includes
  - (i) a safety policy that the accountable executive has approved and communicated to all employees,
  - (ii) the roles and responsibilities of personnel assigned duties under the quality assurance program established under subsection 573.09(1) or the safety management system,
  - (iii) performance goals and a means of measuring attainment of those goals,
  - (iv) a policy for the internal reporting of a hazard, an incident or an accident, including the conditions under which immunity from disciplinary action will be granted, and

- (v) a review of the safety management system to determine its effectiveness;
- (b) procedures for reporting a hazard, an incident or an accident to the appropriate manager;
- (c) procedures for the collection of data relating to hazards, incidents and accidents;
- (d) procedures for analysing data obtained under paragraph (c) and during an audit conducted under subsection 573.09(3) and for taking corrective actions;
- (e) an audit system referred to in subsection 573.09(3);
- (f) training requirements for the person responsible for maintenance and for personnel assigned duties under the safety management system; and
- (g) procedures for making progress reports to the accountable executive at intervals determined by the accountable executive and other reports as needed in urgent cases.

**(2)** The components specified in subsection (1) shall be set out in the approved maintenance organization (AMO) certificate holder's maintenance policy manual (MPM).

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 20.]

### **573.32 Person Managing the Safety Management System**

The person managing the safety management system in respect of an approved maintenance organization (AMO) shall

- (a) establish and maintain a reporting system to ensure the timely collection of information related to hazards, incidents and accidents that may adversely affect safety;
- (b) identify hazards and carry out risk management analyses of those hazards;
- (c) investigate, analyze and identify the cause or probable cause of all hazards, incidents and accidents identified under the safety management system;
- (d) establish and maintain a safety data system, by either electronic or other means, to monitor and analyze trends in hazards, incidents and accidents;
- (e) monitor and evaluate the results of corrective actions with respect to hazards, incidents and accidents;

(f) monitor the concerns of the civil aviation industry in respect of safety and their perceived effect on the AMO;

(g) determine the adequacy of the training required by paragraph 573.31(1)(f); and

(h) where the person responsible for maintenance has assigned the management functions for the safety management system under subsection 573.04(4) to another person, report to the person responsible for maintenance the hazards, incidents and accidents identified under the safety management system required under Section 573.30 or as a result of an audit required under paragraph 573.31(1)(e).

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 20.]

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## Subpart 91

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Repealed

[Repealed 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 33]

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## Subpart 93

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Repealed

[Repealed 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 33]

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# Part VI - General Operating and Flight Rules

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## 600.01 Interpretation

In this Part,

"ADIZ" or "Air Defence Identification Zone" - means the airspace that extends upward from the surface in those areas of Canada and off the coasts of Canada, the boundaries of which are specified in the *Designated Airspace Handbook*; (*ADIZ ou zone d'identification de*

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*défense aérienne*)

"aerial application" - means the seeding from an aircraft or the spraying or dusting of chemicals from an aircraft, or any other operation of a similar nature; (*traitement aérien*)

"aerial inspection" - means the inspection from an aircraft of crops, forests, livestock or wildlife, the patrolling of pipelines or power lines, a flight inspection or any other operation of a similar nature; (*inspection aérienne*)

"AX class" - Repealed.

[SOR/2006-77, s. 4]

[Repealed 2006/06/30 - Previous Version Dated 1996/10/10]

"fly-in" - means an activity during which aircraft are gathered at an aerodrome before an invited assembly of persons, during which no competitive flights between aircraft or aerial demonstrations take place; (*rassemblement d'aéronefs*)

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

"large aircraft" - means an aeroplane having a maximum permissible take-off weight in excess of 5 700 kg (12,566 pounds) or a rotorcraft having a maximum permissible take-off weight in excess of 2 730 kg (6,018 pounds); (*gros aéronef*)

"police authority" - means the Royal Canadian Mounted Police, Ontario Provincial Police, Sûreté du Québec or Canadian Coast Guard, or any municipal or regional police force established pursuant to provincial legislation. (*corps policier*)

[SOR/2006-77, s. 4; SOR/2020-151, s. 7.]

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## Subpart 1 - Airspace

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### Division I - Airspace Structure, Classification and Use

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#### 601.01 Airspace Structure

**(1)** Controlled airspace consists of the following types of airspace:

- (a) the Arctic Control Area, Northern Control Area and Southern Control Area;
- (b) high level airspace;



- (c) high level airways;
- (d) high level airspace;
- (e) low level airways;
- (f) fixed RNAV routes;
- (g) terminal control areas;
- (h) military terminal control areas;
- (i) control area extensions;
- (j) transition areas;
- (k) control zones;
- (l) restricted airspace;
- (m) advisory airspace;
- (n) military operations areas; and
- (o) danger areas.

**(2) Uncontrolled airspace consists of the following types of airspace:**

- (a) high level airspace;
- (b) low level airspace;
- (c) high level air routes;
- (d) low level air routes;
- (e) fixed RNAV routes;
- (f) restricted airspace;
- (g) advisory airspace;
- (h) military operations areas; and

(i) danger areas.

**(3)** The horizontal and vertical limits of any type of airspace referred to in subsection (1) or (2) are

(a) in the case of a high level air route, a low level air route and an uncontrolled fixed RNAV route, those specified on an aeronautical chart; or

(b) in any other case, those specified in the *Designated Airspace Handbook*.

**(4)** The geographical location and the horizontal and vertical limits of the following items are those specified in the *Designated Airspace Handbook*:

(a) Canadian Domestic Airspace;

(b) Canadian minimum navigation performance specifications (CMNPS) airspace;

(c) the CMNPS transition area;

(d) reduced vertical separation minimum (RVSM) airspace;

(e) required navigation performance capability (RNP) airspace;

(f) transponder airspace;

(g) the air defence identification zone (ADIZ);

(h) flight information regions (FIR);

(i) altimeter setting regions;

(j) standard pressure regions;

(k) mountainous regions; and

(l) any other areas, zones, regions and points.

[Effective 2015/08/30 - Previous Version dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 5; SOR/2015-160, s. 26]

## **601.02 Airspace Classification**

**(1)** The class of any controlled airspace of a type referred to in subsection 601.01(1) is one of the following, as specified in the *Designated Airspace Handbook*:

- (a) Class A;
- (b) Class B;
- (c) Class C;
- (d) Class D;
- (e) Class E;
- (f) Class F Special Use Restricted; or
- (g) Class F Special Use Advisory.

**(2)** The class of any uncontrolled airspace of a type referred to in subsection 601.01(2) is one of the following, as specified in the *Designated Airspace Handbook*:

- (a) Class G;
- (b) Class F Special Use Restricted; or
- (c) Class F Special Use Advisory.

### **601.03 Transponder Airspace**

Transponder airspace consists of

- (a) all Class A, B and C airspace as specified in the *Designated Airspace Handbook*; and
- (b) any Class D or E airspace specified as transponder airspace in the *Designated Airspace Handbook*.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 6.]

### **601.04 IFR or VFR Flight in Class F Special Use Restricted Airspace or Class F Special Use Advisory Airspace**

**(1)** The procedures for the operation of aircraft in Class F Special Use Restricted Airspace and Class F Special Use Advisory airspace are those specified in the *Designated Airspace Handbook*.

**(2)** No person shall operate an aircraft in Class F Special Use Restricted Airspace unless authorized to do so by the person specified for that purpose in the *Designated Airspace Handbook*.

(3) For the purposes of subsection (2), a person specified in the *Designated Airspace Handbook* may authorize the operation of an aircraft where activities on the ground or in the airspace are not hazardous to aircraft operating in that airspace and access by aircraft to that airspace does not jeopardize national security interests.

#### **601.05 IFR Flight in Class A, B, C, D or E Airspace or Class F Special Use Restricted or Class F Special Use Advisory Controlled Airspace**

(1) No person shall operate an IFR aircraft in Class A, B, C, D or E airspace or in Class F Special Use Restricted or Class F Special Use Advisory controlled airspace unless the aircraft is operated in accordance with an air traffic control clearance or an authorization issued by the Minister.

(2) The Minister may issue an authorization referred to in subsection (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

#### **601.06 VFR Flight in Class A Airspace**

(1) No person shall operate a VFR aircraft in Class A airspace unless the aircraft is operated in accordance with an authorization issued by the Minister.

(2) The Minister may issue an authorization referred to in subsection (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

#### **601.07 VFR Flight in Class B Airspace**

(1) No person shall operate a VFR aircraft in Class B airspace unless the aircraft is operated in accordance with an air traffic control clearance or an authorization issued by the Minister.

(2) The Minister may issue an authorization referred to in subsection (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

(3) The pilot-in-command of a VFR aircraft operating in Class B airspace in accordance with an air traffic control clearance shall, when it becomes evident that it will not be possible to operate the aircraft in VMC at the altitude or along the route specified in the air traffic control clearance,

(a) where the airspace is a control zone, request authorization to operate the aircraft in special VFR flight; and

(b) in any other case,

(i) request an amended air traffic control clearance that will enable the aircraft

to be operated in VMC to the destination specified in the flight plan or to an alternate aerodrome, or

(ii) request an air traffic control clearance to operate the aircraft in IFR flight.

### **601.08 VFR Flight in Class C Airspace**

**(1)** Subject to subsection (2), no person operating a VFR aircraft shall enter Class C airspace unless the person receives a clearance to enter from the appropriate air traffic control unit before entering the airspace.

**(2)** The pilot-in-command of a VFR aircraft that is not equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class C airspace if the pilot-in-command receives authorization to enter from the appropriate air traffic control unit before entering the airspace.

**(3)** Class C airspace becomes Class E airspace when the appropriate air traffic control unit is not in operation.

### **601.09 VFR Flight in Class D Airspace**

**(1)** Subject to subsection (2), no person operating a VFR aircraft shall enter Class D airspace unless the person establishes two-way radio contact with the appropriate air traffic control unit before entering the airspace.

**(2)** The pilot-in-command of a VFR aircraft that is not equipped with radiocommunication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class D airspace if the pilot-in-command receives authorization to enter from the appropriate air traffic control unit before entering the airspace.

**(3)** Class D airspace becomes Class E airspace when the appropriate air traffic control unit is not in operation.

### **601.10 to 601.13 Reserved**

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## **Division II - Aircraft Operating Restrictions and Hazards to Aviation Safety**

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### **601.14 Interpretation**

In this Division,

"directed bright light source" - means any directed light source (coherent or non-coherent) including lasers, that may create a hazard to aviation safety or cause damage to an aircraft or injury to persons on board the aircraft; (*source lumineuse dirigée de forte intensité*)

[Amended 2002/06/01 - No previous Version]

"fire control authority" - means an official of a government forestry service or other fire control agency that is responsible for the protection of persons and property against fire; (*responsable de la lutte contre l'incendie*)

"forest fire area" - means an area on the surface of the earth on which standing timber, grass or any other vegetation or buildings are burning. (*région sinistrée*)

[SOR/2002-182, s. 1; SOR/2020-151, s. 8(F).]

### **601.15 Forest Fire Aircraft Operating Restrictions**

No person shall operate an aircraft

(a) over a forest fire area, or over any area that is located within five nautical miles of a forest fire area, at an altitude of less than 3,000 feet AGL; or

(b) in any airspace that is described in a NOTAM issued pursuant to Section 601.16.

[SOR/2020-151, s. 9(F).]

### **601.16 Issuance of NOTAM for Forest Fire Aircraft Operating Restrictions**

The Minister may issue a NOTAM that relates to restrictions on the operation of aircraft in the case of a forest fire and that describes

(a) the location and dimensions of the forest fire area; and

(b) the airspace in which forest fire control operations are being conducted.

[SOR/2020-151, s. 10(F).]

### **601.17 Exceptions**

Section 601.15 does not apply to

(a) persons who are operating an aircraft at the request of an appropriate fire control authority; and

(b) Department of Transport personnel who are operating an aircraft in the performance of duties related to surveillance and the enforcement of aviation legislation.

### 601.18 Orders Prohibiting or Restricting Aircraft Operation

The Minister may make orders prohibiting or restricting the operation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by the Minister.

### 601.19 Hand-held Lasers

(1) No person shall have in their possession a hand-held laser with a power output rating greater than 1 milliwatt (mW)

(a) in the municipalities of the Montréal, Toronto and Vancouver regions listed in the table to this subsection; or

(b) within a 10-km radius of the geometric centre of an airport or heliport.

**Table**

Montréal Region	Toronto Region	Vancouver Region
Boucherville	Brampton	Burnaby
Côte-Saint-Luc	Halton Hills	Coquitlam
Dollard-des-Ormeaux	Markham	Delta
Dorval	Mississauga	New Westminister
Hampstead	Toronto	North Vancouver (City)
Laval	Vaughan	Port Coquitlam
Longueuil		Richmond
Montréal		Vancouver
Montréal-Est		
Montréal-Ouest		
Pointe-Claire		

Rosemère		
Saint-Lambert		
Westmount		

**(2)** Subsection (1) does not apply if

- (a) the laser is being transported between the place where it was purchased and a dwelling-house or between dwelling-houses;
- (b) the laser is in a dwelling-house; or
- (c) the person is in possession of the laser for a legitimate reason, including that they
  - (i) use the laser for occupational or business purposes,
  - (ii) use the laser for educational purposes,
  - (iii) transport the laser in the course of their employment, and
  - (iv) are a member of an astronomical society.

[Amended 2020/06/01 - Previous Version Dated 2011/12/31][Amended 2011/12/31 - Previous Version Dated 1996/10/10]

[SOR/2020-124, s. 2.]

**601.20 Projection of Directed Bright Light Source at an Aircraft**

Subject to Section 601.21, no person shall project or cause to be projected a bright light source into navigable airspace in such a manner as to create a hazard to aviation safety or cause damage to an aircraft or injury to persons on board the aircraft.

[Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2002-182, s. 2.]

**601.21 Requirement for Notification**

**(1)** Any person planning to project or cause to be projected a directed bright light source into navigable airspace shall, before the projection,

- (a) submit a written request to the Minister for an authorization to project the directed bright light source into navigable airspace; and



(b) obtain a written authorization from the Minister to do so.

(2) On receipt of the request for authorization, the Minister shall issue a written authorization if the projection is not likely to create a hazard to aviation safety or to cause damage to an aircraft or injury to persons on board the aircraft.

(3) The Minister may specify in the authorization any conditions necessary to ensure that the projection is not likely to create a hazard to aviation safety or to cause damage to an aircraft or injury to persons on board the aircraft.

[Effective 2014/11/28 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2002-182, s. 2; SOR/2014-286, s. 3.]

### **601.22 Requirement for Pilot-in-command**

(1) No pilot-in-command shall intentionally operate an aircraft into a beam from a directed bright light source or into an area where a directed bright light source is projected, unless the aircraft is operated in accordance with an authorization issued by the Minister.

(2) The Minister may issue the authorization if the operation of the aircraft is not likely to create a hazard to aviation safety.

[Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2002-182, s. 2.]

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## **Division III - Marking and Lighting of Obstacles to Air Navigation**

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[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

### **601.23 Obstacles to Air Navigation**

(1) For the purposes of this Division, any building, structure or object, including any addition to it, constitutes an obstacle to air navigation if

(a) it penetrates an airport obstacle limitation surface as calculated in Chapter 4 of the Standard entitled *Aerodrome Standards and Recommended Practices*, TP 312E, published by the Department of Transport;

(b) it is higher than 90 m AGL and is located within 6 km of the geographical centre of an aerodrome;

(c) it is higher than 90 m AGL and is located within 3.7 km of the centreline of a recognized

VFR route, including, but not limited to, a valley, a railway track, a transmission line, a pipeline, a river and a highway;

(d) it is higher than 150 m AGL; or

(e) in the case of any catenary wires crossing over a river, any portion of the wires or supporting structures is higher than 90 m AGL.

**(2)** For the purposes of subsection (1), an addition to a building, structure or object includes any vertical mast, pole, tower or other object erected on top of the building, structure or object and adding to its height.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.24 Marking and Lighting of Obstacles to Air Navigation**

**(1)** Any person who plans to construct or modify a building, structure or object, or launch a tethered object shall notify the Minister of the proposed construction, modification or launch in accordance with the requirements of Standard 621 if the building, structure or object, or tethered object, will constitute an obstacle to air navigation.

**(2)** A person who has responsibility for or control over a building, structure or object that constitutes an obstacle to air navigation shall

(a) mark and light the building, structure or object in accordance with the requirements of Standard 621; or

(b) use the equivalent marking and lighting approved by the Minister under subsection 601.27(2).

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.25 Other Obstacles to Air Navigation**

**(1)** If the Minister determines that a building, structure or object, other than a building, structure or object described in Section 601.23, is hazardous to air navigation because of its height or location, the Minister shall require the person who has responsibility for or control over the building, structure or object to mark and light it in accordance with the requirements of Standard 621.

**(2)** A person who is required by the Minister to mark and light a building, structure or object

under subsection (1) shall

(a) do so within six months; and

(b) cause to be received at the appropriate air traffic control unit or flight service station a notice identifying the nature, location and height of the building, structure or object.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.26 Upgrading of Marking and Lighting**

A person who has responsibility for or control over an obstacle to air navigation shall upgrade the markings and lights of the whole obstacle to the most recent requirements set out in Standard 621 if any change occurs in

(a) the location of the obstacle with respect to any other marked or lighted obstacle; or

(b) the surrounding conditions of the obstacle that can affect aviation safety.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.27 Equivalent Marking and Lighting**

**(1)** A person who proposes to use equivalent marking and lighting on an obstacle to air navigation for which the person has responsibility or over which the person has control shall apply to the Minister for approval.

**(2)** The Minister shall approve the equivalent marking and lighting if the applicant

(a) submits a risk assessment that identifies the risks to air navigation associated with the obstacle and the methods for eliminating or reducing those risks; and

(b) demonstrates that the equivalent marking and lighting provides a level of safety at least equivalent to the level provided by the requirements of Standard 621.

**(3)** In determining whether the equivalent marking and lighting provides the level of safety required by paragraph (2)(b), the Minister shall consider the following factors:

(a) the location of the obstacle;

(b) the surrounding terrain, buildings, structures and objects;

(c) the VFR air traffic volume; and

(d) the proximity of the obstacle to an aerodrome.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.28 Notification of Deterioration, Failure or Malfunction**

A person who has responsibility for or control over an obstacle to air navigation shall report immediately any deterioration of a marking or any failure or malfunction of a light required under this Division to the nearest flight service station.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

### **601.29 Prohibition**

No person shall deface, alter or otherwise damage a marking or a light required, under this Division, to be displayed on an obstacle to air navigation.

[Amended 2011/12/31 - Previous Version Dated 2002/06/01][Amended 2002/06/01 - Previous Version Dated 1996/10/10]

[SOR/2011-285, s. 6.]

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## **Subpart 2 - Operating and Flight Rules**

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### **Division I - General**

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#### **602.01 Application - Remotely Piloted Aircraft**

This Subpart does not apply in respect of remotely piloted aircraft.

[Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 15.]

#### **602.01.1 Reckless or Negligent Operation of Aircraft**

No person shall operate an aircraft in such a reckless or negligent manner as to endanger or be likely to endanger the life or property of any person.

[Effective 2019/01/09 (In Force 2019/06/01) - No Previous Version]

[SOR/2019-11, s. 15.]

### **602.02 Fitness of Flight Crew Members**

An operator of an aircraft shall not require any person to act as a flight crew member or to carry out a preflight duty, and a person shall not act as a flight crew member or carry out that duty, if the operator or the person has reason to believe that the person is not, or is not likely to be, fit for duty.

[Effective 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 4.]

### **602.03 Alcohol or Drugs - Crew Members**

No person shall act as a crew member of an aircraft

- (a) within 12 hours after consuming an alcoholic beverage;
- (b) while under the influence of alcohol; or
- (c) while using any drug that impairs the person's faculties to the extent that the safety of the aircraft or of persons on board the aircraft is endangered in any way.

[Effective 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 5.]

### **602.04 Alcohol or Drugs - Passengers**

**(1)** In this Section,

"intoxicating liquor" - means a beverage that contains more than 2.5 per cent proof spirits.

**(2)** No person shall consume on board an aircraft an intoxicating liquor unless the intoxicating liquor

- (a) has been served to that person by the operator of the aircraft; or
- (b) where no flight attendant is on board, has been provided by the operator of the aircraft.

**(3)** No operator of an aircraft shall provide or serve any intoxicating liquor to a person on board the aircraft, where there are reasonable grounds to believe that the person's faculties are impaired by alcohol or a drug to an extent that may present a hazard to the aircraft or to persons on board the aircraft.

**(4)** Subject to subsection (5), no operator of an aircraft shall allow a person to board the aircraft, where there are reasonable grounds to believe that the person's faculties are impaired

by alcohol or a drug to an extent that may present a hazard to the aircraft or to persons on board the aircraft.

(5) The operator of an aircraft may allow a person whose faculties are impaired by a drug to board an aircraft, where the drug was administered in accordance with a medical authorization and the person is under the supervision of an attendant.

### **602.05 Compliance with Instructions**

(1) Every passenger on board an aircraft shall comply with instructions given by any crew member respecting the safety of the aircraft or of persons on board the aircraft.

(2) Every crew member on board an aircraft shall, during flight time, comply with the instructions of the pilot-in-command or of any person whom the pilot-in-command has authorized to act on behalf of the pilot-in-command.

### **602.06 Smoking**

(1) No person shall smoke on board an aircraft during take-off or landing or when directed not to smoke by the pilot-in-command.

(2) No person shall smoke in an aircraft lavatory.

(3) No person shall tamper with or disable a smoke detector installed in an aircraft lavatory without permission from a crew member or the operator of the aircraft.

### **602.07 Aircraft Operating Limitations**

No person shall operate an aircraft unless it is operated in accordance with the operating limitations

(a) set out in the aircraft flight manual, where an aircraft flight manual is required by the applicable standards of airworthiness;

(b) set out in a document other than the aircraft flight manual, where use of that document is authorized pursuant to Part VII;

(c) indicated by markings or placards required pursuant to Section 605.05; or

(d) prescribed by the competent authority of the state of registry of the aircraft.

### **602.08 Portable Electronic Devices**

**(1)** No operator of an aircraft shall permit the use of a PED on board an aircraft if the use of the PED could adversely affect the operation of the aircraft or the functioning of the aircraft's systems or equipment.

**(2)** No person shall use a portable electronic device on board an aircraft except with the permission of the operator of the aircraft.

[Effective 2019/08/08 - Previous Version Dated 1996/10/10]

[SOR/2019-296, s. 6]

### **602.09 Fuelling with Engines Running**

No person operating an aircraft shall permit the fuelling of the aircraft while an engine used for the propulsion of the aircraft is running and passengers are on board the aircraft or are embarking or disembarking, unless subsection 604.84(1), 704.33(4) or 705.40(3), as applicable, is complied with.

[Amended 2014/05/29 - Previous Version Dated 2005/11/15][Amended 2005/11/15 - Previous Version Dated 1996/10/10]

[SOR/2005-341, s. 4; SOR/2014-131, s. 12.]

### **602.10 Starting and Ground Running of Aircraft Engines**

**(1)** No person shall start an engine of an aircraft unless

(a) a pilot's seat is occupied by a person who is competent to control the aircraft;

(b) precautions have been taken to prevent the aircraft from moving; or

(c) in the case of a seaplane, the aircraft is in a location from which any movement of the aircraft will not endanger persons or property.

**(2)** No person shall leave an engine of an aircraft running unless

(a) a pilot's seat is occupied by a person who is competent to control the aircraft; or

(b) where no persons are on board the aircraft,

(i) precautions have been taken to prevent the aircraft from moving, and

(ii) the aircraft is not left unattended.

### **602.11 Aircraft Icing**

**(1)** In this Section,

"critical surfaces" - means the wings, control surfaces, rotors, propellers, horizontal stabilizers, vertical stabilizers or any other stabilizing surfaces of an aircraft, as well as any other surfaces identified as critical surfaces in the aircraft flight manual.

**(2)** No person shall conduct or attempt to conduct a take-off in an aircraft that has frost, ice or snow adhering to any of its critical surfaces.

**(3)** Despite subsection (2), a person may conduct a take-off in an aircraft that has frost caused by cold-soaked fuel adhering to the underside or upper side, or both, of its wings if the take-off is conducted in accordance with the aircraft manufacturer's instructions for take-off under those conditions.

**(4)** Where conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, no person shall conduct or attempt to conduct a take-off in an aircraft unless

(a) for aircraft that are not operated under Subpart 5 of Part VII,

(i) the aircraft has been inspected immediately prior to take-off to determine whether any frost, ice or snow is adhering to any of its critical surfaces, or

(ii) the operator has established an aircraft inspection program in accordance with the *Operating and Flight Rules Standards*, and the dispatch and take-off of the aircraft are in accordance with that program; and

(b) for aircraft that are operated under Subpart 5 of Part VII, the operator has established an aircraft inspection program in accordance with the *Operating and Flight Rules Standards*, and the dispatch and take-off of the aircraft are in accordance with that program.

**(5)** The inspection referred to in subparagraph (4)(a)(i) shall be performed by

(a) the pilot-in-command;

(b) a flight crew member of the aircraft who is designated by the pilot-in-command; or

(c) a person, other than a person referred to in paragraph (a) or (b), who

(i) is designated by the operator of the aircraft, and

(ii) has successfully completed training relating to ground and airborne icing operations under Subpart 4 or relating to aircraft surface contamination under Part VII.



**(6)** Where, before commencing take-off, a crew member of an aircraft observes that there is frost, ice or snow adhering to the wings of the aircraft, the crew member shall immediately report that observation to the pilot-in-command, and the pilot-in-command or a flight crew member designated by the pilot-in-command shall inspect the wings of the aircraft before take-off.

**(7)** Before an aircraft is de-iced or anti-iced, the pilot-in-command of the aircraft shall ensure that the crew members and passengers are informed of the decision to do so.

[Amended 2020/12/09 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 13; SOR/2020-253, s. 3.]

### **602.12 Overflight of Built-up Areas or Open-air Assemblies of Persons during Take-offs, Approaches and Landings**

**(1)** For the purposes of this Section and Sections 602.14 and 602.15, an aircraft shall be deemed to be operated over a built-up area or over an open-air assembly of persons if the built-up area or open-air assembly of persons is within a horizontal distance of

(a) 500 feet from a helicopter or balloon;

(b) 2,000 feet from an aircraft other than a helicopter or balloon.

**(2)** Except at an airport, heliport or military aerodrome, no person shall conduct a take-off, approach or landing in an aircraft over a built-up area or over an open-air assembly of persons, in a manner that is likely to create a hazard to persons or property.

**(3)** Except at an airport, heliport or military aerodrome, no person shall conduct a take-off, approach or landing in an aircraft over a built-up area or over an open-air assembly of persons unless that aircraft will be operated at an altitude from which, in the event of an engine failure or any other emergency necessitating an immediate landing, the aircraft can land without creating a hazard to persons or property.

[Amended 2007/06/30 - Previous Version Dated 2003/03/01][Amended 2003/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-447, s. 1; SOR/2007-87, s. 9.]

### **602.13 Take-offs, Approaches and Landings within Built-up Areas of Cities and Towns**

**(1)** Except if otherwise permitted under this Section, Section 603.66 or Part VII, no person shall conduct a take-off, approach or landing in an aircraft within a built-up area of a city or town, unless that take-off, approach or landing is conducted at an airport, heliport or a military aerodrome.

**(2)** A person may conduct a take-off or landing in an aircraft within a built-up area of a city or town at a place that is not located at an airport, heliport or a military aerodrome where

- (a) the place is not set apart for the operation of aircraft;
- (b) the flight is conducted without creating a hazard to persons or property on the surface; and
- (c) the aircraft is operated
  - (i) for the purpose of a police operation that is conducted in the service of a police authority, or
  - (ii) for the purpose of saving human life.

**(3)** A person may conduct a take-off in a balloon within a built-up area of a city or town from a place that is not located at an airport, heliport or a military aerodrome, where

- (a) permission to use the place as a launch site has been obtained from the land owner;
- (b) a special aviation event is not being held at that place at the time of take-off;
- (c) no written objection in respect of the use of the place as a launch site has been received by the Minister from a competent land use authority;
- (d) the diameter of the launch site is no less than the greater of
  - (i) 100 feet, and
  - (ii) the greatest dimension of the balloon, be it the length, width or height, plus 25 per cent; and
- (e) the take-off point within the launch site is upwind of the highest obstacle in the take-off path by a horizontal distance equal to the height of that obstacle, and the take-off is conducted
  - (i) using a positive rate of climb to a minimum altitude of 500 feet above the highest obstacle located within a horizontal distance of 500 feet from the balloon, or
  - (ii) where the flight path of the balloon is directly over residential or commercial buildings or over an open-air assembly of persons, using the maximum rate of

climb possible, considering operational and passenger safety.

**(4)** A person may conduct a landing in a balloon within a built-up area of a city or town at a place that is not located at an airport, heliport or military aerodrome, where

(a) the landing is necessary to avoid endangering the safety of the persons on board; and

(b) the pilot-in-command contacts the appropriate air traffic control unit or flight service station, either prior to landing or as soon as possible after landing, and provides

(i) the balloon's nationality mark and registration mark,

(ii) the estimated or actual, as applicable, time and location of the landing, and

(iii) the reasons why it is believed that the safety of the persons on board is or was endangered.

[Amended 2011/01/21 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 10; SOR/2007-280, s. 1(F); SOR/2010-304, s. 2.]

## **602.14 Minimum Altitudes and Distances**

**(1)** Repealed.

[Repealed 2003/03/01 - Previous Version Dated 1996/10/10]

[SOR/2002-447, s. 2]

**(2)** Except where conducting a take-off, approach or landing or where permitted under Section 602.15, no person shall operate an aircraft

(a) over a built-up area or over an open-air assembly of persons unless the aircraft is operated at an altitude from which, in the event of an emergency necessitating an immediate landing, it would be possible to land the aircraft without creating a hazard to persons or property on the surface, and, in any case, at an altitude that is not lower than

(i) for aeroplanes, 1,000 feet above the highest obstacle located within a horizontal distance of 2,000 feet from the aeroplane,

(ii) for balloons, 500 feet above the highest obstacle located within a horizontal distance of 500 feet from the balloon, or

(iii) for an aircraft other than an aeroplane or a balloon, 1,000 feet above the highest obstacle located within a horizontal distance of 500 feet from the aircraft; and

(b) in circumstances other than those referred to in paragraph (a), at a distance less than 500 feet from any person, vessel, vehicle or structure.

[SOR/2002-447, s. 2.]

### **602.15 Permissible Low Altitude Flight**

**(1)** A person may operate an aircraft at altitudes and distances less than those specified in subsection 602.14(2) where the aircraft is operated at altitudes and distances that are no less than necessary for the purposes of the operation in which the aircraft is engaged, the aircraft is operated without creating a hazard to persons or property on the surface and the aircraft is operated

(a) for the purpose of a police operation that is conducted in the service of a police authority;

(b) for the purpose of saving human life;

(c) for fire-fighting or air ambulance operations;

(d) for the purpose of the administration of the *Fisheries Act* or the *Coastal Fisheries Protection Act*;

(e) for the purpose of the administration of the national or provincial parks; or

(f) for the purpose of flight inspection.

**(2)** A person may operate an aircraft, to the extent necessary for the purpose of the operation in which the aircraft is engaged, at altitudes and distances less than those set out in

(a) paragraph 602.14(2)(a), where operation of the aircraft is authorized under Subpart 3 or Section 702.22; or

(b) paragraph 602.14(2)(b), where the aircraft is operated without creating a hazard to persons or property on the surface and the aircraft is operated for the purpose of

(i) aerial application or aerial inspection,

(ii) aerial photography conducted by the holder of an air operator certificate,

(iii) helicopter external load operations, or

(iv) flight training conducted by or under the supervision of a qualified flight

instructor.

### **602.16 Flights over Open-air Assemblies of Persons or Built-up Areas - Helicopters with External Loads**

- (1)** No person shall operate a helicopter that is carrying a Class B, C or D external load over an open-air assembly of persons.
- (2)** Except where authorized under Section 603.66 or 702.22, no person shall operate a helicopter that is carrying a Class B, C or D external load over a built-up area.

### **602.17 Carriage of Persons during Low Altitude Flight**

No person operating an aircraft shall conduct helicopter Class B, C or D external load operations or engage in aerial application or aerial inspection at altitudes less than 500 feet AGL while carrying on board any person other than a flight crew member, unless that person's presence on board is essential to the purposes of the flight.

### **602.18 Flights over Built-up Areas - Balloons**

- (1)** No person shall operate a balloon over a built-up area without carrying on board sufficient fuel to permit the balloon to fly clear of the built-up area, taking into consideration the take-off weight of the balloon, the ambient temperature and actual and forecast winds, and possible variations of those factors.
- (2)** No person shall operate a balloon on a flight that is planned to enter Class C airspace while over a built-up area unless the clearance to enter that airspace that is required pursuant to Section 601.08 has been obtained from the appropriate air traffic control unit prior to take-off.

### **602.19 Right of Way - General**

- (1)** Despite any other provision of this Section,
  - (a)* the pilot-in-command of an aircraft that has the right of way shall, if there is any risk of collision, take such action as is necessary to avoid collision; and
  - (b)* where the pilot-in-command of an aircraft is aware that another aircraft is in an emergency situation, the pilot-in-command shall give way to that other aircraft.
- (2)** When two aircraft are converging at approximately the same altitude, the pilot-in-command of the aircraft that has the other on its right shall give way, except as follows:

- (a) a power-driven, heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) an airship shall give way to gliders and balloons;
- (c) a glider shall give way to balloons; and
- (d) a power-driven aircraft shall give way to aircraft that are seen to be towing gliders or other objects or carrying a slung load.

**(3)** When two balloons operating at different altitudes are converging, the pilot-in-command of the balloon at the higher altitude shall give way to the balloon at the lower altitude.

**(4)** Where an aircraft is required to give way to another aircraft, the pilot-in-command of the first-mentioned aircraft shall not pass over or under, or cross ahead of, the other aircraft unless passing or crossing at such a distance as will not create a risk of collision.

**(5)** Where two aircraft are approaching head-on or approximately so and there is a risk of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

**(6)** An aircraft that is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in level flight, shall give way to the other aircraft by altering the heading of the overtaking aircraft to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from this obligation until that aircraft has entirely passed and is clear of the other aircraft.

**(7)** Where an aircraft is in flight or manoeuvring on the surface, the pilot-in-command of the aircraft shall give way to an aircraft that is landing or about to land.

**(8)** The pilot-in-command of an aircraft that is approaching an aerodrome for the purpose of landing shall give way to any aircraft at a lower altitude that is also approaching the aerodrome for the purpose of landing.

**(9)** The pilot-in-command of an aircraft at a lower altitude, as described in subsection (8), shall not overtake or cut in front of an aircraft at a higher altitude that is in the final stages of an approach to land.

**(10)** No person shall conduct or attempt to conduct a take-off or landing in an aircraft until there is no apparent risk of collision with any aircraft, person, vessel, vehicle or structure in the take-off or landing path.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-152, s. 19(E).]

### **602.20 Right of Way - Aircraft Manoeuvring on Water**

**(1)** Where an aircraft on the water has another aircraft or a vessel on its right, the pilot-in-command of the first-mentioned aircraft shall give way.

**(2)** Where an aircraft on the water is approaching another aircraft or a vessel head-on, or approximately so, the pilot-in-command of the first-mentioned aircraft shall alter its heading to the right.

**(3)** The pilot-in-command of an aircraft that is overtaking another aircraft or a vessel on the water shall alter its heading to keep well clear of the other aircraft or the vessel.

### **602.21 Avoidance of Collision**

No person shall operate an aircraft in such proximity to another aircraft as to create a risk of collision.

### **602.22 Towing**

No person shall operate an aeroplane that is towing an object unless the aeroplane is equipped with a tow hook and release control mechanism.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 7.]

### **602.23 Dropping of Objects**

No person shall create a hazard to persons or property on the surface by dropping an object from an aircraft in flight.

### **602.24 Formation Flight**

No person shall operate an aircraft in formation with other aircraft except by pre-arrangement between

(a) the pilots-in-command of the aircraft; or

(b) where the flight is conducted within a control zone, the pilots-in-command and the appropriate air traffic control unit.

### **602.25 Entering or Leaving an Aircraft in Flight**

**(1)** No person shall enter or leave an aircraft in flight except with the permission of the pilot-in-command of the aircraft.

**(2)** No pilot-in-command of an aircraft shall permit a person to enter or leave the aircraft during flight unless

(a) the person leaves for the purpose of making a parachute descent;

(b) the entering or leaving is permitted under Section 702.19; or

(c) the flight is conducted in accordance with

(i) a special flight operations certificate-special aviation event issued under Section 603.02, or

(ii) a special flight operations certificate issued under Section 603.67.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 8.]

### **602.26 Parachute Descents**

Except where permitted in accordance with Section 603.37, no pilot-in-command of an aircraft shall permit, and no person shall conduct, a parachute descent from the aircraft

(a) in or into controlled airspace or an air route; or

(b) over or into a built-up area or an open-air assembly of persons.

### **602.27 Aerobatic Manoeuvres - Prohibited Areas and Flight Conditions**

No person operating an aircraft shall conduct aerobatic manoeuvres

(a) over a built-up area or an open-air assembly of persons;

(b) Repealed.

(c) when flight visibility is less than three miles; or

(d) below 2,000 feet AGL, except in accordance with a special flight operations certificate issued pursuant to Section 603.02 or 603.67.

(e) in any class of airspace that requires radio contact with air traffic services unless the appropriate unit that provides air traffic services is advised that aerobatic manoeuvres will



be conducted; or

(f) in Class A, B or C airspace or Class D Control Zones without prior co-ordination between the pilot-in-command and the air traffic control unit that provides air traffic control service in that airspace.

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 28]

### **602.28 Aerobatic Manoeuvres with Passengers**

No person operating an aircraft with a passenger on board shall conduct an aerobatic manoeuvre unless the pilot-in-command of the aircraft has engaged in

(a) at least 10 hours dual flight instruction in the conducting of aerobatic manoeuvres or 20 hours conducting aerobatic manoeuvres; and

(b) at least one hour of conducting aerobatic manoeuvres in the preceding six months.

### **602.29 Hang Glider and Ultra-light Aeroplane Operation**

**(1)** No person shall operate a hang glider or an ultra-light aeroplane

(a) at night;

(b) in IFR flight;

(c) subject to subsections (2) and (3), in controlled airspace;

(d) unless the aircraft is equipped with

(i) a suitable means of restraint that is attached to the primary structure of the aircraft,

(ii) a radiocommunication system adequate to permit two-way communication on the appropriate frequency when the aircraft is operated within

(A) Class D airspace,

(B) the ADIZ, or

(C) an MF area, and

(iii) where the aircraft is an ultra-light aeroplane, a placard that is affixed to a

surface in plain view of any occupant seated at the flight controls and that states,

"THIS AEROPLANE IS OPERATING WITHOUT A CERTIFICATE OF AIRWORTHINESS/CET AVION EST UTILISÉ SANS CERTIFICAT DE NAVIGABILITÉ";

(e) subject to subsections (4) and (5), while carrying another person on board; or

(f) unless each person on board

(i) is secured by a means of restraint referred to in subparagraph (d)(i), and

(ii) where the aircraft is not an advanced ultra-light aeroplane, is wearing a protective helmet.

**(2)** A person may operate a hang glider or an ultra-light aeroplane in controlled airspace

(a) within five nautical miles from the centre of an airport or heliport or within a control zone of an uncontrolled airport where the person has obtained permission from the airport or heliport operator;

(b) within a control zone of a controlled airport where the person has obtained an air traffic control clearance by two-way radio voice communication from the air traffic control unit of the airport; or

(c) where the aircraft is a basic ultra-light aeroplane, in Class E airspace other than the airspace that is described in paragraph (a) or (b), if

(i) the aeroplane is equipped with a portable or fixed altimeter, and

(ii) in the case of a cross-country flight, the aeroplane is equipped with a portable or fixed magnetic compass or global navigation satellite system (GNSS) receiver; or

(d) where the aircraft is an advanced ultra-light aeroplane, if the aeroplane is equipped in accordance with Section 605.14.

**(3)** A person may operate a hang glider in Class E airspace where

(a) the pilot

(i) is at least 16 years of age,

(ii) is in possession of a Category 1, 3 or 4 medical certificate, and

(iii) has obtained a grade of not less than 60 per cent on a Department of Transport written examination pertaining to the *Canadian Aviation Regulations*, air traffic procedures, flight instruments, navigation, flight operations and human factors respecting hang glider operations in Class E airspace;

(b) the hang glider is equipped with a magnetic compass and altimeter;

(c) the flight is a cross-country flight; and

(d) the pilot informs the nearest flight service station of the time of departure and estimated duration of the flight in Class E airspace.

**(4) A person may operate**

(a) a hang glider with one other person on board if the flight is conducted for the purpose of providing dual flight instruction; or

(b) an ultra-light aeroplane with one other person on board if

(i) the flight is conducted for the purpose of providing dual flight instruction,

(ii) the pilot is a holder of a pilot permit - ultra-light aeroplane endorsed with a passenger-carrying rating and the aeroplane has no restrictions against carrying another person, or

(iii) the other person is a holder of a pilot licence or permit, other than a student pilot permit, that allows them to act as pilot-in-command of an ultra-light aeroplane.

**(5) A person may operate an advanced ultra-light aeroplane with another person on board where the pilot holds a permit or licence issued pursuant to Subpart 1 of Part IV that is appropriate to the functions or privileges being exercised.**

[Effective 2020/06/26 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 2005/12/01][Amended 2005/12/01 - Previous Version Dated 1996/10/10]

[SOR/2005-319, s. 7; SOR/2007-87, s. 11; SOR/2020-151, s. 11.]

### **602.30 Fuel Dumping**

No person shall jettison fuel from an aircraft in flight unless

(a) it is necessary to do so in order to ensure aviation safety; and

(b) all appropriate measures are taken to minimize danger to human life and damage to the

environment, insofar as the circumstances permit.

### 602.31 Compliance with Air Traffic Control Instructions and Clearances

(1) Subject to subsection (3), the pilot-in command of an aircraft shall

(a) comply with and acknowledge, to the appropriate air traffic control unit, all of the air traffic control instructions directed to and received by the pilot-in-command; and

(b) comply with all of the air traffic control clearances received and accepted by the pilot-in-command and

(i) subject to subsection (2), in the case of an IFR flight, read back to the appropriate air traffic control unit the text of any air traffic control clearance received, and

(ii) in the case of a VFR flight, read back to the appropriate air traffic control unit the text of any air traffic control clearance received, when so requested by the air traffic control unit.

(2) Except if requested to do so by an air traffic control unit, the pilot-in-command of an IFR aircraft is not required to read back the text of an air traffic control clearance pursuant to paragraph (1)(b)(i) where

(a) the air traffic control clearance is received on the ground by the pilot-in-command before departing from a controlled aerodrome in respect of which a standard instrument departure procedure is specified in the *Canada Air Pilot*; or

(b) the receipt of the air traffic control clearance is acknowledged by the pilot-in-command by electronic means.

(3) The pilot-in-command of an aircraft may deviate from an air traffic control clearance or an air traffic control instruction to the extent necessary to carry out a collision avoidance manoeuvre, if the manoeuvre is carried out

(a) in accordance with a resolution advisory generated by an ACAS; or

(b) in response to an alert from a TAWS or a Ground Proximity Warning System (GPWS).

(4) The pilot-in-command of an aircraft shall

(a) as soon as possible after initiating the collision avoidance manoeuvre referred to in

subsection (3), inform the appropriate air traffic control unit of the deviation; and

(b) immediately after completing the collision avoidance manoeuvre referred to in subsection (3), comply with the last air traffic control clearance received and accepted by, or the last air traffic control instruction received and acknowledged by, the pilot-in-command.

[Amended 2012/07/04 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 7.]

### **602.32 Airspeed Limitations**

**(1)** Subject to subsection (2), no person shall

(a) operate an aircraft at an indicated airspeed of more than 250 knots if the aircraft is below 10,000 feet ASL; or

(b) operate an aircraft at an indicated airspeed of more than 200 knots if the aircraft is below 3,000 feet AGL within 10 nautical miles of a controlled aerodrome unless authorized to do so in an air traffic control clearance.

**(2)** A person may operate an aircraft at an indicated airspeed greater than the airspeeds referred to in subsection (1) if the aircraft is being operated in accordance with a special flight operations certificate - special aviation event issued pursuant to Section 603.02.

**(3)** If the minimum safe airspeed for the flight configuration of an aircraft is greater than the airspeed referred to in subsection (1), the aircraft shall be operated at the minimum safe airspeed.

[Amended 2010/11/10 - Previous Version Dated 1996/10/10]

[SOR/2010-219, s. 2.]

### **602.33 Supersonic Flight**

No person shall operate an aircraft at a true Mach number of 1 or greater.

### **602.34 Cruising Altitudes and Cruising Flight Levels**

**(1)** The appropriate cruising altitude or cruising flight level for an aircraft in level cruising flight is determined in accordance with

(a) the magnetic track, in the Southern Domestic Airspace; and

(b) the true track, in the Northern Domestic Airspace.

**(2)** Subject to subsection (3), the pilot-in-command of an aircraft shall ensure that the aircraft is operated at a cruising altitude or cruising flight level appropriate to the track, as set out in the Table to this Section, unless the pilot-in-command is assigned another altitude or flight level by an air traffic control unit and the aircraft is operated in level cruising flight

(a) at more than 3,000 feet AGL, in VFR flight; or

(b) in IFR flight.

**(3)** Subsection (2) does not apply where an aircraft is operated for the purpose of aerial survey or mapping and the following conditions are met:

(a) the pilot-in-command of the aircraft contacts the appropriate air traffic control unit as far in advance as possible of the proposed flight;

(b) the pilot-in-command of the aircraft provides, as far in advance as possible of the proposed take-off time of the aircraft, to any air traffic control unit that so requests, a topographical map at either a 1: 500 000 or a 1: 1 000 000 scale of the area to be surveyed or mapped, with proposed tracks and planned entry and exit points clearly delineated on the map;

(c) the pilot-in-command of the aircraft files a flight plan or flight itinerary with an air traffic control unit as far in advance as possible of the proposed take-off time of the aircraft;

(d) the flight plan or flight itinerary referred to in paragraph (c) specifies the area to be surveyed or mapped

(i) by reference to the relevant maps of the National Topographic System,

(ii) by reference to the geographic co-ordinates of the area, or

(iii) where required by an air traffic control unit, by reference to the air photograph block reference grid map provided by the air traffic control unit; and

(e) where the aircraft is operated in controlled airspace, it is operated in accordance with an air traffic control clearance.

**Table - Cruising Altitudes and Cruising Flight Levels Appropriate to Aircraft Track**

Track 000° - 179°		Track 180° - 359°
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Column I	Column II		Column III	Column IV
IFR	VFR		IFR	VFR
1,000	-	<b>Cruising Altitudes or Cruising Flight Levels - 18,000 feet and below</b>	2,000	-
3,000	3,500		4,000	4,500
5,000	5,500		6,000	6,500
7,000	7,500		8,000	8,500
9,000	9,500		10,000	10,500
11,000	11,500		12,000	12,500
13,000	13,500		14,000	14,500
15,000	15,500		16,000	16,500
17,000	17,500			
<b>IFR &amp; CVFR</b>				<b>IFR &amp; CVFR</b>
Non-RVSM	RVSM		Non-RVSM	RVSM
190	190	<b>Cruising Flight Levels - 180 to 590</b>	180	180
210	210		200	200
230	230		220	220
250	250		240	240
270	270		260	260
290	290		280	280
330	310		310	300

370	330		350	320
410	350	RVSM 1,000 feet separation between FL290 - FL410	390	340
450	370		430	360
490	390		470	380
530	410		510	400
570	450		550	430
	490		590	470
	530			510
	570			550
				590

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 29]

### **602.35 Altimeter-setting and Operating Procedures in the Altimeter-setting Region**

When an aircraft is operated in the altimeter setting region, each flight crew member who occupies a flight crew member position that is equipped with an altimeter shall

- (a) immediately before conducting a take-off from an aerodrome, set the altimeter to the altimeter setting of the aerodrome or, if that altimeter setting is not obtainable, to the elevation of the aerodrome;
- (b) while in flight, set the altimeter to the altimeter setting of the nearest station along the route of flight or, where the nearest stations along the route of flight are separated by more than 150 nautical miles, to the altimeter setting of a station near the route of flight; and
- (c) immediately before commencing a descent for the purpose of landing at an aerodrome, set the altimeter to the altimeter setting of the aerodrome, if that altimeter setting is obtainable.



### **602.36 Altimeter-setting and Operating Procedures in the Standard Pressure Region**

(1) When an aircraft is operated in the standard pressure region, each flight crew member who occupies a flight crew member position that is equipped with an altimeter shall

(a) immediately before conducting a take-off from an aerodrome, set the altimeter to the altimeter setting of the aerodrome or, if that altimeter setting is not obtainable, to the elevation of the aerodrome;

(b) before reaching the flight level at which the flight is to be conducted, set the altimeter to 29.92 inches of mercury or 1,013.2 millibars; and

(c) immediately before commencing a descent for the purpose of landing at an aerodrome, set the altimeter to the altimeter setting of the aerodrome, if that altimeter setting is obtainable.

(2) Despite paragraph (1)(c), when a holding procedure is being conducted before landing at an aerodrome located in the standard pressure region, each flight crew member who occupies a flight crew member position that is equipped with an altimeter shall set the altimeter to the altimeter setting of the aerodrome immediately before descending below the lowest flight level at which the holding procedure is conducted.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-152, s. 19(E).]

### **602.37 Altimeter-setting and Operating Procedures in Transition Between Regions**

Except where otherwise authorized by an air traffic control unit, each flight crew member who occupies a flight crew member position that is equipped with an altimeter shall

(a) when flying from the altimeter setting region into the standard pressure region, set the altimeter to 29.92 inches of mercury or 1,013.2 millibars immediately after the aircraft's entry into the standard pressure region; and

(b) when flying from the standard pressure region into the altimeter setting region, set the altimeter to the altimeter setting of the nearest station along the route of flight or, where the nearest stations along the route of flight are separated by more than 150 nautical miles, the altimeter setting of a station near the route of flight immediately before the aircraft's entry into the altimeter setting region.

### **602.38 Flight over the High Seas**

The pilot-in-command of a Canadian aircraft that is in flight over the high seas shall comply with the applicable Rules of the Air set out in Annex 2 to the Convention and the applicable Regional Supplementary Procedures set out in *Document 7030/4* of the International Civil Aviation Organization (ICAO).

### **602.39 Transoceanic Flight**

No pilot-in-command of a single-engined aircraft, or of a multi-engined aircraft that would be unable to maintain flight in the event of the failure of any engine, shall commence a flight that will leave Canadian Domestic Airspace and enter airspace over the high seas unless

- (a) the pilot-in-command holds a pilot licence endorsed with an instrument rating;
- (b) the aircraft is equipped with
  - (i) the equipment referred to in Section 605.18,
  - (ii) a high frequency radio capable of transmitting and receiving on a minimum of two appropriate international air-ground general purpose frequencies, and
  - (iii) hypothermia protection for each person on board; and
- (c) the aircraft carries sufficient fuel to meet the requirements of Section 602.88 and, in addition, carries contingency fuel equal to at least 10 per cent of the fuel required pursuant to Section 602.88 to complete the flight to the aerodrome of destination.

### **602.40 Landing at or Take-off from an Aerodrome at Night**

**(1)** Subject to subsection (2), no person shall conduct a landing or a take-off in a heavier-than-air aircraft at night at an aerodrome unless the aerodrome is lighted in accordance with the aerodrome lighting requirements specified in Part III.

**(2)** A person may conduct a landing or a take-off in a heavier-than-air aircraft at night at an aerodrome that is not lighted in accordance with the requirements referred to in subsection (1) where

- (a) the flight is conducted without creating a hazard to persons or property on the surface; and
- (b) the aircraft is operated
  - (i) for the purpose of a police operation that is conducted in the service of a

police authority, or

(ii) for the purpose of saving human life.

#### **602.41 Repealed**

[Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 2003/12/01][Amended 2003/12/01 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 16.]

#### **602.42 Large Unoccupied Free Balloons**

No person shall release an unoccupied free balloon having a gas-carrying capacity of more than 115 cubic feet (3.256 m<sup>3</sup>) except in accordance with an authorization issued by the Minister pursuant to Section 602.44.

#### **602.43 Rockets**

No person shall launch a rocket, other than a model rocket or a rocket of a type used in a fireworks display, except in accordance with an authorization issued by the Minister pursuant to Section 602.44.

#### **602.44 Authorization by the Minister**

The Minister may issue an authorization referred to in Section 602.42 or 602.43 where the release of the balloon or the launch of the rocket is in the public interest and is not likely to affect aviation safety.

#### **602.45 Kites and Model Rockets**

No person shall fly a kite or launch a model rocket or a rocket of a type used in a fireworks display into cloud or in a manner that is or is likely to be hazardous to aviation safety.

[Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 17.]

#### **602.46 Refusal to Transport**

No air operator or private operator shall transport a person if at the time of check-in or at boarding the actions or statements of the person indicate that the person may present a risk to the safety of the aircraft, persons or property.

[Amended 2009/06/10 - Previous Version Dated 1996/10/10]

[SOR/2009-90, s. 3.]

### **602.47 Suitable Accommodation**

A private operator or an air operator, as the case may be, shall provide a flight crew member with suitable accommodation for rest periods away from home base.

[Effective 2018/12/12 - Previous Version Dated 2009/06/10][Amended 2009/06/10 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 6.]

### **602.48 to 602.56 Reserved**

[Effective 2018/12/12 - Previous Version Dated 2009/06/10][Amended 2009/06/10 - Previous Version Dated 1996/10/10]

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## **Division II - Operational and Emergency Equipment Requirements**

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### **602.57 Application**

This Division applies to persons operating

- (a) Canadian aircraft; and
- (b) foreign aircraft in Canada where those persons are Canadian citizens, permanent residents or corporations incorporated by or under the laws of Canada or a province.

### **602.58 Prohibition**

No person shall operate an aircraft referred to in Section 602.57 unless the operational and emergency equipment required by these Regulations is carried on board.

### **602.59 Equipment Standards**

**(1)** Subject to subsection (2), no person shall operate an aircraft unless the operational and emergency equipment carried on board the aircraft

- (a) meets the applicable standards specified in the *Airworthiness Manual*; and
- (b) is functional.

**(2)** Paragraph (1)(a) does not apply in respect of the following operational and emergency equipment:

- (a) survival equipment;
- (b) Repealed

(c) a hand-held fire extinguisher, except if carried on board an aircraft operated under Subpart 4 or Part VII, where the extinguisher meets the applicable standards published by the Canadian Standards Association;

(d) a first aid kit;

(e) aeronautical charts and publications;

(f) a timepiece; and

(g) a flashlight.

[Effective 2021/06/06 - Previous Version Dated 2020/08/25][Effective 2020/08/25 - Previous Version Dated 1996/10/10]

[SOR/2019-49, s. 3; SOR/2020-151, s. 12.]

### **602.60 Requirements for Power-driven Aircraft**

**(1)** No person shall conduct a take-off in a power-driven aircraft, other than an ultra-light aeroplane, unless the following operational and emergency equipment is carried on board:

(a) a checklist or placards that enable the aircraft to be operated in accordance with the limitations specified in the aircraft flight manual, aircraft operating manual, pilot operating handbook or any equivalent document provided by the manufacturer;

(b) all of the necessary current aeronautical charts and publications covering the route of the proposed flight and any probable diversionary route, if the aircraft is operated in VFR OTT, night VFR flight or IFR flight;

(c) a current database, if the aircraft is operated in IFR flight, in VFR OTT flight or in night VFR flight under Subpart 4 of Part VI or Subpart 2, 3, 4 or 5 of Part VII and database-dependent navigation equipment is used;

(d) current data covering the route of the proposed flight and any probable diversionary route, if the aircraft is operated in VFR OTT flight other than VFR OTT flight referred to in paragraph (c) and database-dependent navigation equipment is used;

(e) a hand-held fire extinguisher in the cockpit that

(i) is of a type suitable for extinguishing fires that are likely to occur,

(ii) is designed to minimize the hazard of toxic gas concentrations, and

(iii) is readily available to each flight crew member;

(f) a timepiece that is readily available to each flight crew member and that displays the time in hours, minutes and seconds;

(g) a flashlight that is readily available to each crew member, if the aircraft is operated at night; and

(h) a first aid kit.

**(2)** A checklist or placards referred to in paragraph (1)(a) shall enable the aircraft to be operated in normal, abnormal and emergency conditions and shall include

(a) a pre-start check;

(b) a pre-take-off check;

(c) a post-take-off check;

(d) a pre-landing check; and

(e) emergency procedures.

**(3)** Emergency procedures referred to in paragraph (2)(e) shall include

(a) emergency operation of fuel, hydraulic, electrical and mechanical systems, where applicable;

(b) emergency operation of instruments and controls, where applicable;

(c) engine inoperative procedures; and

(d) any other procedure that is necessary for aviation safety.

**(4)** Checks and emergency procedures referred to in subsections (2) and (3) shall be performed and followed where they are applicable.

[Effective 2020/06/26 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 9; SOR/2015-160, s. 27(F); SOR/2020-151, s. 13.]

### **602.61 Survival Equipment - Flights over Land**

**(1)** Subject to subsection (2), no person shall operate an aircraft over land unless there is carried on board survival equipment, sufficient for the survival on the ground of each person on board, given the geographical area, the season of the year and anticipated seasonal climatic

variations, that provides the means for

- (a) starting a fire;
- (b) providing shelter;
- (c) providing or purifying water; and
- (d) visually signalling distress.

**(2)** Subsection (1) does not apply in respect of

- (a) a balloon, a glider, a hang glider, a gyroplane or an ultra-light aeroplane;
- (b) an aircraft that is operated within 25 nautical miles of the aerodrome of departure and that has the capability of radiocommunication with a surface-based radio station for the duration of the flight;
- (c) a multi-engined aircraft that is operated south of 66° 30' north latitude
  - (i) in IFR flight within controlled airspace, or
  - (ii) along designated air routes;
- (d) an aircraft that is operated by an air operator, where the aircraft is equipped with equipment specified in the air operator's *Company Operations Manual*, but not with the equipment required by subsection (1); or
- (e) an aircraft that is operated in a geographical area where and at a time of year when the survival of the persons on board is not jeopardized.

### **602.62 Life Preservers and Flotation Devices**

**(1)** No person shall conduct a take-off or a landing on water in an aircraft or operate an aircraft over water beyond a point where the aircraft could reach shore in the event of an engine failure, unless a life preserver, individual flotation device or personal flotation device is carried for each person on board.

**(2)** No person shall operate a land aeroplane, gyroplane, helicopter or airship at more than 50 nautical miles from shore unless a life preserver is carried for each person on board.

**(3)** No person shall operate a balloon at more than two nautical miles from shore unless a life preserver, individual flotation device or personal flotation device is carried for each person on

board.

**(4)** Subject to subsection (5), for aircraft other than balloons, every life preserver, individual flotation device and personal flotation device referred to in this section shall be stowed in a position that is easily accessible to the person for whose use it is provided, when that person is seated.

**(5)** In cases where infant life preservers are carried on board an aircraft operated with flight attendants on board, the infant life preservers may be stowed in bulk in a location that is easily accessible to the flight attendants if

(a) the location is adjacent to a ditching emergency exit and is clearly marked as the stowage location for infant life preservers; and

(b) the operator has established procedures that require flight attendants to distribute an infant life preserver to each passenger responsible for an infant when preparing for a ditching.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 4.]

### **602.63 Life Rafts and Survival Equipment - Flights Over Water**

**(1)** No person shall operate over water a single-engined aeroplane, or a multi-engined aeroplane that is unable to maintain flight with any engine failed, at more than 100 nautical miles, or the distance that can be covered in 30 minutes of flight at the cruising speed filed in the flight plan or flight itinerary, whichever distance is the lesser, from a suitable emergency landing site unless life rafts are carried on board and are sufficient in total rated capacity to accommodate all of the persons on board.

**(2)** Subject to subsection (3), no person shall operate over water a multi-engined aeroplane that is able to maintain flight with any engine failed at more than 200 nautical miles, or the distance that can be covered in 60 minutes of flight at the cruising speed filed in the flight plan or flight itinerary, whichever distance is the lesser, from a suitable emergency landing site unless life rafts are carried on board and are sufficient in total rated capacity to accommodate all of the persons on board.

**(3)** A person may operate over water a transport category aircraft that is an aeroplane, at up to 400 nautical miles, or the distance that can be covered in 120 minutes of flight at the cruising speed filed in the flight plan or flight itinerary, whichever distance is the lesser, from a suitable emergency landing site without the life rafts referred to in subsection (2) being carried on



board.

**(4)** No person shall operate over water a single-engined helicopter, or a multi-engined c that is unable to maintain flight with any engine failed, at more than 25 nautical miles, or the distance that can be covered in 15 minutes of flight at the cruising speed filed in the flight plan or flight itinerary, whichever distance is the lesser, from a suitable emergency landing site unless life rafts are carried on board and are sufficient in total rated capacity to accommodate all of the persons on board.

**(5)** No person shall operate over water a multi-engined helicopter that is able to maintain flight with any engine failed at more than 50 nautical miles, or the distance that can be covered in 30 minutes of flight at the cruising speed filed in the flight plan or flight itinerary, whichever distance is the lesser, from a suitable emergency landing site unless life rafts are carried on board and are sufficient in total rated capacity to accommodate all of the persons on board.

**(6)** The life rafts referred to in this Section shall be

(a) stowed so that they are easily accessible for use in the event of a ditching;

(b) installed in conspicuously marked locations near an exit; and

(c) equipped with an attached survival kit, sufficient for the survival on water of each person on board the aircraft, given the geographical area, the season of the year and anticipated seasonal climatic variations, that provides a means for

(i) providing shelter,

(ii) providing or purifying water, and

(iii) visually signalling distress.

**(7)** Where a helicopter is required to carry life rafts pursuant to subsection (4) or (5), no person shall operate the helicopter over water having a temperature of less than 10°C unless

(a) a helicopter passenger transportation suit system that conforms to paragraph 551.407(c) of the *Airworthiness Manual* is provided for each passenger on board;

(b) a helicopter crew member transportation suit system is provided for each crew member on board; and

(c) the pilot-in-command directs all persons on board to wear their helicopter transportation suit system.

**(8)** Every person who has been directed to wear a helicopter transportation suit system pursuant to paragraph (7)(c) shall wear that suit system.

[Effective 2015/06/21 - Previous Version Dated 1996/10/10]

[SOR/2015-84, s. 3; SOR/2019-122, s. 4(F).]

### **602.64 Offshore Operations Flight**

**(1)** Subject to Section 602.65, no person shall dispatch or conduct a take-off in a helicopter to conduct an offshore operations flight if, during the pre-flight check required under Section 602.71 or the weather check required under Section 602.72, the pilot-in-command or the air operator is aware that the sea state at any point along the planned route exceeds the sea state for which the helicopter is certified, as part of its type design, to conduct a ditching.

**(2)** An air operator who uses a helicopter to conduct an offshore operations flight shall notify the pilot-in-command if, at take-off or during the flight, the air operator is or becomes aware that the sea state at any point along the planned route between the position of the helicopter and the destination exceeds the sea state for which the helicopter is certified, as part of its type design, to conduct a ditching.

**(3)** If the pilot-in-command of a helicopter who is conducting an offshore operations flight is or becomes aware that the sea state at any point along the planned route between the position of the helicopter and the destination exceeds the sea state for which the helicopter is certified, as part of its type design, to conduct a ditching, the pilot-in-command shall, subject to Section 602.65, proceed directly to a land base.

[In Effect 2015/06/21 - Previous Version Dated 1996/10/10]

[SOR/2015-84, s. 4]

### **602.65 Emergency Exception**

Subsections 602.64(1) and (3) do not apply in respect of an offshore operations flight conducted for the purpose of responding to an emergency.

[In Effect 2015/06/21 - Previous Version Dated 1996/10/10]

[SOR/2015-84, s. 4]

### **602.66 Emergency Underwater Breathing Apparatus (EUBA)**

**(1)** No person shall operate a helicopter to conduct an offshore operations flight over Canadian waters unless

(a) a EUBA is provided for each person on board;

(b) each EUBA

(i) is readily accessible for immediate use in the event of a ditching,

(ii) can be donned quickly,

(iii) provides a supplemental air supply that is effective to a depth of at least 3.6 m, and

(iv) is not likely to pose a snagging risk during an evacuation of the helicopter; and

(c) each person on board has, in the 36-month period preceding the flight, received EUBA training that

(i) is specific to the type of EUBA provided,

(ii) includes classroom theory training on the use of the EUBA and its limits and hazards, and

(iii) includes practical pool training that simulates the evacuation of a helicopter that has overturned or is sinking after a ditching.

**(2)** No person shall operate a helicopter to conduct an offshore operations flight over Canadian waters that have a temperature of 10°C or more unless the EUBA that is provided for a person under subsection (1) is attached to the life preserver, individual flotation device or personal flotation device that is carried on board the helicopter for that person.

**(3)** No person shall operate a helicopter to conduct an offshore operations flight over Canadian waters that have a temperature of less than 10°C unless the EUBA that is provided for a person under subsection (1)

(a) is in a pocket or pouch that is part of the person's helicopter passenger transportation suit system or helicopter crew member transportation suit system;

(b) is in a pouch that is worn with the person's helicopter passenger transportation suit system or helicopter crew member transportation suit system; or

(c) is attached to the person's helicopter passenger transportation suit system or helicopter crew member transportation suit system.

[In Effect 2015/06/21 - Previous Version Dated 1996/10/10]

[SOR/2015-84, s. 4]

**602.67 to 602.69 Reserved**

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## Division III - Flight Preparation, Flight Plans and Flight Itineraries

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### 602.70 Interpretation

In this Division,

"overdue" - in respect of an aircraft, means an aircraft for which an arrival report has not been filed

(a) where a flight plan has been filed in respect of the aircraft,

(i) if a search and rescue notification time is specified in the flight plan, immediately after the last reported such time, or

(ii) in all other cases, within one hour after the last reported estimated time of arrival, or

(b) where a flight itinerary has been filed in respect of the aircraft,

(i) if a search and rescue notification time is specified in the flight itinerary, immediately after the last reported such time, or

(ii) in all other cases, within 24 hours after the last reported estimated time of arrival; (*en retard*)

"responsible person" - means an individual who has agreed with the person who has filed a flight itinerary to ensure that the following are notified in the manner prescribed in this Division, if the aircraft is overdue, namely,

(a) an air traffic control unit, a flight service station or a community aerodrome radio station, or

(b) a Rescue Co-ordination Centre. (*personne de confiance*)

### 602.71 Pre-flight Information

The pilot-in-command of an aircraft shall, before commencing a flight, be familiar with the available information that is appropriate to the intended flight.

## **602.72 Weather Information**

The pilot-in-command of an aircraft shall, before commencing a flight, be familiar with the available weather information that is appropriate to the intended flight.

### **602.73 Requirement to File a Flight Plan or a Flight Itinerary**

- (1)** Subject to subsection (3), no pilot-in-command shall operate an aircraft in IFR flight unless an IFR flight plan has been filed.
- (2)** No pilot-in-command shall operate an aircraft in VFR flight unless a VFR flight plan or a VFR flight itinerary has been filed, except where the flight is conducted within 25 nautical miles of the departure aerodrome.
- (3)** A pilot-in-command may file an IFR flight itinerary instead of an IFR flight plan where
  - (a)* the flight is conducted in part or in whole outside controlled airspace; or
  - (b)* facilities are inadequate to permit the communication of flight plan information to an air traffic control unit, a flight service station or a community aerodrome radio station.
- (4)** Despite anything in this Division, no pilot-in-command shall, unless a flight plan has been filed, operate an aircraft between Canada and a foreign state.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-152, s. 19(E).]

### **602.74 Contents of a Flight Plan or a Flight Itinerary**

A flight plan or flight itinerary shall contain such information as is specified by the Minister in the *Canada Flight Supplement*.

### **602.75 Filing of a Flight Plan or a Flight Itinerary**

- (1)** A flight plan shall be filed with an air traffic control unit, a flight service station or a community aerodrome radio station.
- (2)** A flight itinerary shall be filed with a responsible person, an air traffic control unit, a flight service station or a community aerodrome radio station.
- (3)** A flight plan or flight itinerary shall be filed by
  - (a)* sending, delivering or otherwise communicating the flight plan or flight itinerary or the

information contained therein; and

(b) receiving acknowledgement that the flight plan or flight itinerary or the information contained therein has been received.

### **602.76 Changes in the Flight Plan**

**(1)** The pilot-in-command of an aircraft for which an IFR flight plan or an IFR flight itinerary has been filed shall follow the procedure set out in subsection (2) where the pilot-in-command intends to make any change in the plan or itinerary in respect of

(a) the cruising altitude or cruising flight level;

(b) the route of flight;

(c) the destination aerodrome;

(d) in the case of a flight plan, the true airspeed at the cruising altitude or cruising flight level, where the change intended is five per cent or more of the true airspeed specified in the IFR flight plan; or

(e) the Mach number, where the change intended is .01 or more of the Mach number that has been included in the air traffic control clearance.

**(2)** A pilot-in-command of an aircraft who intends to make any of the changes in the IFR flight plan or the IFR flight itinerary that are referred to in subsection (1) shall

(a) notify as soon as practicable an air traffic control unit or the responsible person, as the case may be, of the intended change; and

(b) where the flight is being conducted in controlled airspace, receive an air traffic control clearance before making the intended change.

**(3)** The pilot-in-command of an aircraft for which a VFR flight plan or a VFR flight itinerary has been filed shall follow the procedure set out in subsection (4) where the pilot-in-command intends to make a change in the plan or itinerary in respect of

(a) the route of flight;

(b) the duration of the flight; or

(c) the destination aerodrome.

**(4)** A pilot-in-command of an aircraft who intends to make any of the changes in the VFR flight plan or the VFR flight itinerary that are referred to in subsection (3) shall notify as soon as practicable an air traffic control unit, a flight service station, a community aerodrome radio station or the responsible person, of the intended change.

### **602.77 Requirement to File an Arrival Report**

**(1)** Subject to subsections (3) and (4), a pilot-in-command of an aircraft who terminates a flight in respect of which a flight plan has been filed under subsection 602.75(1) shall ensure that an arrival report is filed with an air traffic control unit, a flight service station or a community aerodrome radio station as soon as practicable after landing but not later than

(a) the search and rescue action initiation time specified in the flight plan; or

(b) where no search and rescue action initiation time is specified in the flight plan, one hour after the last reported estimated time of arrival.

**(2)** Subject to subsection (4), a pilot-in-command of an aircraft who terminates a flight in respect of which a flight itinerary has been filed under subsection 602.75(2) shall ensure that an arrival report is filed with an air traffic control unit, a flight service station, a community aerodrome radio station or, if the flight itinerary was filed with a responsible person, the responsible person, as soon as practicable after landing but not later than

(a) the search and rescue action initiation time specified in the flight itinerary; or

(b) where no search and rescue action initiation time is specified in the flight itinerary, 24 hours after the last reported estimated time of arrival.

**(3)** A pilot-in-command who terminates an IFR flight at an aerodrome where there is an operating air traffic control unit or flight service station is not required to file an arrival report unless requested to do so by the appropriate air traffic control unit.

**(4)** A pilot-in-command of an aircraft who conducts a flight in respect of which a flight plan or flight itinerary has been filed with an air traffic control unit, flight service station or community aerodrome radio station may file an arrival report by closing the flight plan or flight itinerary with an air traffic control unit, flight service station or community aerodrome radio station prior to landing.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 10.]

### **602.78 Contents of an Arrival Report**

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An arrival report shall contain such information as is specified by the Minister in the *Canada Flight Supplement*.

### **602.79 Overdue Aircraft Report**

Any person who assumes responsibilities with respect to an aircraft and who has reason to believe that the aircraft is overdue, or any other person who has been directed by that person to do so, shall immediately, by the quickest means available,

(a) notify an air traffic control unit, a flight service station, a community aerodrome radio station or a Rescue Co-ordination Centre; and

(b) provide, to the best of the person's knowledge, all of the available information concerning the overdue aircraft that may be requested by the air traffic control unit, the flight service station, the community aerodrome radio station or the Rescue Co-ordination Centre.

### **602.80 to 602.85 Reserved**

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## **Division IV - Pre-flight and Fuel Requirements**

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### **602.86 Carry-on Baggage, Equipment and Cargo**

**(1)** No person shall operate an aircraft with carry-on baggage, equipment or cargo on board, unless the carry-on baggage, equipment and cargo are

(a) stowed in a bin, compartment, rack or other location that is certified in accordance with the aircraft type certificate in respect of the stowage of carry-on baggage, equipment or cargo; or

(b) restrained so as to prevent them from shifting during movement of the aircraft on the surface and during take-off, landing and in-flight turbulence.

**(2)** No person shall operate an aircraft with carry-on baggage, equipment or cargo on board unless

(a) the safety equipment, the normal and emergency exits that are accessible to passengers and the aisles between the flight deck and a passenger compartment are not wholly or partially blocked by carry-on baggage, equipment or cargo;



(b) all of the equipment and cargo that are stowed in a passenger compartment are packaged or covered to avoid possible injury to persons on board;

(c) where the aircraft is type-certificated to carry 10 or more passengers and passengers are carried on board,

(i) no passenger's view of any "seat belt" sign, "no smoking" sign or exit sign is obscured by carry-on baggage, equipment or cargo except if an auxiliary sign is visible to the passenger or another means of notification of the passenger is available,

(ii) all of the passenger service carts and trolleys are securely restrained during movement of the aircraft on the surface, take-off and landing, and during in-flight turbulence where the pilot-in-command or in-charge flight attendant has directed that the cabin be secured pursuant to subsection 605.25(3) or (4), and

(iii) all of the video monitors that are suspended from the ceiling of the aircraft and extend into an aisle are stowed and securely restrained during take-off and landing; and

(d) all of the cargo that is stowed in a compartment to which crew members have access is stowed in such a manner as to allow a crew member to effectively reach all parts of the compartment with a hand-held fire extinguisher.

[SOR/2002-353, s. 1(F).]

### **602.87 Crew Member Instructions**

The pilot-in-command of an aircraft shall ensure that each crew member, before acting as a crew member on board the aircraft, has been instructed with respect to

(a) the duties that the crew member is to perform; and

(b) the location and use of all of the normal and emergency exits and of all of the emergency equipment that is carried on board the aircraft.

### **602.88 Fuel Requirements**

**(1)** This Section does not apply in respect of any glider, balloon or ultra-light aeroplane.

**(2)** No pilot-in-command of an aircraft shall commence a flight or, during flight, change the destination aerodrome set out in the flight plan or flight itinerary, unless the aircraft carries

sufficient fuel to ensure compliance with subsections (3) to (5).

**(3)** An aircraft operated in VFR flight shall carry an amount of fuel that is sufficient to allow the aircraft

(a) in the case of an aircraft other than a helicopter,

(i) when operated during the day, to fly to the destination aerodrome and then to fly for a period of 30 minutes at normal cruising speed, or

(ii) when operated at night, to fly to the destination aerodrome and then to fly for a period of 45 minutes at normal cruising speed; or

(b) in the case of a helicopter, to fly to the destination aerodrome and then to fly for a period of 20 minutes at normal cruising speed.

**(4)** An aircraft operated in IFR flight shall carry an amount of fuel that is sufficient to allow the aircraft

(a) in the case of a propeller-driven aeroplane,

(i) where an alternate aerodrome is specified in the flight plan or flight itinerary, to fly to and execute an approach and a missed approach at the destination aerodrome, to fly to and land at the alternate aerodrome and then to fly for a period of 45 minutes, or

(ii) where an alternate aerodrome is not specified in the flight plan or flight itinerary, to fly to and execute an approach and a missed approach at the destination aerodrome and then to fly for a period of 45 minutes; or

(b) in the case of a turbo-jet-powered aeroplane or a helicopter,

(i) where an alternate aerodrome is specified in the flight plan or flight itinerary, to fly to and execute an approach and a missed approach at the destination aerodrome, to fly to and land at the alternate aerodrome and then to fly for a period of 30 minutes, or

(ii) where an alternate aerodrome is not specified in the flight plan or flight itinerary, to fly to and execute an approach and a missed approach at the destination aerodrome and then to fly for a period of 30 minutes.

**(5)** Every aircraft shall carry an amount of fuel that is sufficient to provide for

- (a) taxiing and foreseeable delays prior to take-off;
- (b) meteorological conditions;
- (c) foreseeable air traffic routings and traffic delays;
- (d) landing at a suitable aerodrome in the event of loss of cabin pressurization or, in the case of a multi-engined aircraft, failure of any engine, at the most critical point during the flight; and
- (e) any other foreseeable conditions that could delay the landing of the aircraft.

### **602.89 Passenger Briefings**

**(1)** The pilot-in-command of an aircraft shall ensure that all of the passengers on board the aircraft are briefed before take-off with respect to the following, where applicable:

- (a) the location and means of operation of emergency and normal exits;
- (b) the location and means of operation of safety belts, shoulder harnesses and restraint devices;
- (c) the positioning of seats and the securing of seat backs and chair tables;
- (d) the stowage of carry-on baggage;
- (e) where the aircraft is unpressurized and it is possible that the flight will require the use of oxygen by the passengers, the location and means of operation of oxygen equipment; and
- (f) any prohibition against smoking.

**(2)** The pilot-in-command of an aircraft shall ensure that all of the passengers on board the aircraft are briefed

- (a) in the case of an over-water flight where the carriage of life preservers, individual flotation devices or personal flotation devices is required pursuant to Section 602.62, before commencement of the over-water portion of the flight, with respect to the location and use of those items; and
- (b) in the case of a pressurized aircraft that is to be operated at an altitude above FL250, before the aircraft reaches FL250, with respect to the location and means of operation of oxygen equipment.

**(3)** The pilot-in-command of an aircraft shall, before take-off, ensure that all of the passengers on board the aircraft are provided with information respecting the location and use of

(a) first aid kits and survival equipment;

(b) where the aircraft is a helicopter or a small aircraft that is an aeroplane, any ELT that is required to be carried on board pursuant to Section 605.38; and

(c) any life raft that is required to be carried on board pursuant to Section 602.63.

### **602.90 to 602.95 Reserved**

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## **Division V - Operations at or in the Vicinity of an Aerodrome**

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### **602.96 General**

**(1)** This Section applies to persons operating VFR or IFR aircraft at or in the vicinity of an uncontrolled or controlled aerodrome.

**(2)** Before taking off from, landing at or otherwise operating an aircraft at an aerodrome, the pilot-in-command of the aircraft shall be satisfied that

(a) there is no likelihood of collision with another aircraft or a vehicle; and

(b) the aerodrome is suitable for the intended operation.

**(3)** The pilot-in-command of an aircraft operating at or in the vicinity of an aerodrome shall

(a) observe aerodrome traffic for the purpose of avoiding a collision;

(b) conform to or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when operating within the aerodrome traffic circuit, except where right turns are specified by the Minister in the *Canada Flight Supplement* or where otherwise authorized by the appropriate air traffic control unit;

(d) if the aerodrome is an airport or heliport, comply with any operating restrictions specified by the Minister in the *Canada Flight Supplement*;

(e) where practicable, land and take off into the wind unless otherwise authorized by the appropriate air traffic control unit;

(f) maintain a continuous listening watch on the appropriate frequency for aerodrome control communications or, if this is not possible and an air traffic control unit is in operation at the aerodrome, keep a watch for such instructions as may be issued by visual means by the air traffic control unit; and

(g) where the aerodrome is a controlled aerodrome, obtain from the appropriate air traffic control unit, either by radio communication or by visual signal, clearance to taxi, take off from or land at the aerodrome.

**(4)** Unless otherwise authorized by the appropriate air traffic control unit, no pilot-in-command shall operate an aircraft at an altitude of less than 2,000 feet over an aerodrome except for the purpose of landing or taking off or if the aircraft is operated pursuant to subsection (5).

**(5)** Where it is necessary for the purposes of the operation in which the aircraft is engaged, a pilot-in-command may operate an aircraft at an altitude of less than 2,000 feet over an aerodrome, where it is being operated

(a) in the service of a police authority;

(b) for the purpose of saving human life;

(c) for fire-fighting or air ambulance operations;

(d) for the purpose of the administration of the *Fisheries Act* or the *Coastal Fisheries Protection Act*;

(e) for the purpose of the administration of the national or provincial parks;

(f) for the purpose of flight inspection;

(g) for the purpose of aerial application or aerial inspection;

(h) for the purpose of highway or city traffic patrol;

(i) for the purpose of aerial photography conducted by the holder of an air operator certificate;

(j) for the purpose of helicopter external load operations; or

(k) for the purpose of flight training conducted by the holder of a flight training unit operator certificate.

**(6)** No person shall conduct a take-off or landing at a designated airport without an aircraft

fire-fighting service in an aeroplane in respect of which a type certificate has been issued authorizing the transport of 20 or more passengers if the aeroplane is operated under

(a) Part VI, Subpart 4; or

(b) Part VII, Subpart 1 or 5.

**(7)** Subsection (6) does not apply in respect of

(a) a cargo flight without passengers,

(b) a ferry flight,

(c) a positioning flight,

(d) a training flight if no fare-paying passengers are on board;

(e) the arrival of an aeroplane when the airport is being used for a diversion or as an alternate aerodrome; or

(f) the subsequent departure of an aeroplane referred to in paragraph (e) if

(i) the air operator or private operator has notified the operator of the designated airport of the intended time of departure,

(ii) the operator of the designated airport has advised the air operator or private operator that aircraft fire-fighting services cannot be made available within one hour after the later of the time that notification was given under subparagraph (i) and the time of landing, and

(iii) the pilot-in-command and the operations manager of the air operator or private operator have agreed that the aeroplane will depart without aircraft fire-fighting services being available.

[Effective 2019/06/14 - Previous Version Dated 2003/03/01][Amended 2003/03/01 - Previous Version Dated 1996/10/10]

[SOR/2003-59, s. 1; SOR/2019-119, s. 30.]

## **602.97 VFR and IFR Aircraft Operations at Uncontrolled Aerodromes within an MF Area**

**(1)** Subject to subsection (3), no pilot-in-command shall operate a VFR or IFR aircraft within an MF area unless the aircraft is equipped with radiocommunication equipment pursuant to Subpart 5.

**(2)** The pilot-in-command of a VFR or IFR aircraft operating within an MF area shall maintain a

listening watch on the mandatory frequency specified for use in the MF area.

**(3)** The pilot-in-command of a VFR aircraft that is not equipped with the radiocommunication equipment referred to in subsection (1) may operate the aircraft to or from an uncontrolled aerodrome that lies within an MF area if

- (a) a ground station is in operation at the aerodrome;
- (b) prior notice of the pilot-in-command's intention to operate the aircraft at the aerodrome has been given to the ground station;
- (c) when conducting a take-off, the pilot-in-command ascertains by visual observation that there is no likelihood of collision with another aircraft or a vehicle during take-off; and
- (d) when approaching for a landing, the aircraft enters the aerodrome traffic circuit from a position that will require it to complete two sides of a rectangular circuit before turning onto the final approach path.

#### **602.98 General MF Reporting Requirements**

**(1)** Every report made pursuant to this Division shall be made on the mandatory frequency that has been specified for use in the applicable MF area.

**(2)** Every report referred to in subsection (1) shall be

- (a) directed to the ground station associated with the MF area, if a ground station exists and is in operation; or
- (b) broadcast, if a ground station does not exist or is not in operation.

#### **602.99 MF Reporting Procedures before Entering Manoeuvring Area**

The pilot-in-command of a VFR or IFR aircraft that is operated at an uncontrolled aerodrome that lies within an MF area shall report the pilot-in-command's intentions before entering the manoeuvring area of the aerodrome.

#### **602.100 MF Reporting Procedures on Departure**

The pilot-in-command of a VFR or IFR aircraft that is departing from an uncontrolled aerodrome that lies within an MF area shall

- (a) before moving onto the take-off surface, report the pilot-in-command's departure procedure intentions;

(b) before take-off, ascertain by radiocommunication and by visual observation that there is no likelihood of collision with another aircraft or a vehicle during take-off; and

(c) after take-off, report departing from the aerodrome traffic circuit.

### **602.101 MF Reporting Procedures on Arrival**

The pilot-in-command of a VFR aircraft arriving at an uncontrolled aerodrome that lies within an MF area shall report

(a) before entering the MF area and, where circumstances permit, shall do so at least five minutes before entering the area, giving the aircraft's position, altitude and estimated time of landing and the pilot-in-command's arrival procedure intentions;

(b) when joining the aerodrome traffic circuit, giving the aircraft's position in the circuit;

(c) when on the downwind leg, if applicable;

(d) when on final approach; and

(e) when clear of the surface on which the aircraft has landed.

### **602.102 MF Reporting Procedures when Flying Continuous Circuits**

The pilot-in-command of a VFR aircraft carrying out continuous circuits at an uncontrolled aerodrome that lies within an MF area shall report

(a) when joining the downwind leg of the circuit;

(b) when on final approach, stating the pilot-in-command's intentions; and

(c) when clear of the surface on which the aircraft has landed.

### **602.103 Reporting Procedures when Flying through an MF Area**

The pilot-in-command of an aircraft flying through an MF area shall report

(a) before entering the MF area and, where circumstances permit, shall do so at least five minutes before entering the area, giving the aircraft's position and altitude and the pilot-in-command's intentions; and

(b) when clear of the MF area.



### **602.104 Reporting Procedures for IFR Aircraft when Approaching or Landing at an Uncontrolled Aerodrome**

(1) This Section applies to persons operating IFR aircraft when approaching or landing at an uncontrolled aerodrome, whether or not the aerodrome lies within an MF area.

(2) The pilot-in-command of an IFR aircraft who intends to conduct an approach to or a landing at an uncontrolled aerodrome shall report

(a) the pilot-in-command's intentions regarding the operation of the aircraft

(i) five minutes before the estimated time of commencing the approach procedure, stating the estimated time of landing,

(ii) when commencing a circling manoeuvre, and

(iii) as soon as practicable after initiating a missed approach procedure; and

(b) the aircraft's position

(i) when passing the fix outbound, where the pilot-in-command intends to conduct a procedure turn or, if no procedure turn is intended, when the aircraft first intercepts the final approach course,

(ii) when passing the final approach fix or three minutes before the estimated time of landing where no final approach fix exists, and

(iii) on final approach.

[SOR/2019-119, s. 31(F)]

### **602.105 Noise Operating Criteria**

No person shall operate an aircraft at or in the vicinity of an aerodrome except in accordance with the applicable noise abatement procedures and noise control requirements specified by the Minister in the *Canada Air Pilot* or *Canada Flight Supplement*, including the procedures and requirements relating to

(a) preferential runways;

(b) minimum noise routes;

(c) hours when aircraft operations are prohibited or restricted;

- (d) arrival procedures;
- (e) departure procedures;
- (f) duration of flights;
- (g) the prohibition or restriction of training flights;
- (h) VFR or visual approaches;
- (i) simulated approach procedures; and
- (j) the minimum altitude for the operation of aircraft in the vicinity of the aerodrome.

### **602.106 Noise-restricted Runways**

**(1)** Subject to subsection (2), no person shall operate a subsonic turbo-jet aeroplane that has a maximum certificated take-off weight of more than 34 000 kg (74,956 pounds) on take-off at a noise-restricted runway set out in column II of an item of the Table to this Section at an aerodrome set out in column I of that item, unless there is on board

- (a) a certificate of noise compliance issued in respect of the aeroplane under Section 507.20; or
- (b) where the aeroplane is not a Canadian aircraft, a foreign certificate of noise compliance issued by the state of registry that has been validated by the Minister under Section 507.23.
- (c) [Repealed]

**(2)** Subsection (1) does not apply

- (a) to the extent that it is inconsistent with any obligation assumed by Canada in respect of a foreign state in a treaty, convention or agreement;
- (b) where the pilot-in-command of an aircraft has declared an emergency; or
- (c) where an aircraft is operated on
  - (i) an air evacuation operation,
  - (ii) any other emergency air operation , or
  - (iii) a departure from an aerodrome at which it was required to land because of

an emergency.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 14.]

### **Noise Restricted Runways**

(Section 602.106)

	<b>Column I</b>	<b>Column II</b>
<b>Item</b>	<b>Aerodrome*</b>	<b>Noise-restricted Runways for Take-off*</b>
1.	Vancouver International Airport	08L, 08R, 12, 26R
2.	Calgary International Airport	07, 10, 16, 25, 28
3.	Edmonton City Centre (Blatchford Field) Airport	All runways
4.	Edmonton International Airport	12
5.	Winnipeg / James Armstrong Richardson International Airport	13, 18
6.	Hamilton Airport	06
7.	Toronto/Lester B. Pearson International Airport	05, 06L, 06R, 15L, 15R
8.	Ottawa/Macdonald-Cartier International Airport	32
9.	Montréal/Pierre Elliott Trudeau International Airport	All runways

*\* Information taken from the aeronautical information publication of NAV CANADA entitled Canada Flight Supplement.*

[Amended 2019/06/14 - Previous Version Dated 2009/06/04][Amended 2009/06/04 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 2004/02/24][Amended 2004/02/24 - Previous Version Dated 1999/12/09][Amended 1999/12/09 - Previous Version Dated 1996/10/10]

[SOR/99-470, s. 1; SOR/2004-29, s. 5; SOR/2005-169, s. 1; SOR/2009-167, s. 5; SOR/2019-119, s. 32.]

## **602.107 to 602.113 Reserved**

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### **Division VI - Visual Flight Rules**

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#### **602.114 Minimum Visual Meteorological Conditions for VFR Flight in Controlled Airspace**

No person shall operate an aircraft in VFR flight within controlled airspace unless

- (a) the aircraft is operated with visual reference to the surface;
- (b) flight visibility is not less than three miles;
- (c) the distance of the aircraft from cloud is not less than 500 feet vertically and one mile horizontally; and
- (d) where the aircraft is operated within a control zone,
  - (i) when reported, ground visibility is not less than three miles, and
  - (ii) except when taking off or landing, the distance of the aircraft from the surface is not less than 500 feet.

#### **602.115 Minimum Visual Meteorological Conditions for VFR Flight in Uncontrolled Airspace**

No person shall operate an aircraft in VFR flight within uncontrolled airspace unless

- (a) the aircraft is operated with visual reference to the surface;
- (b) where the aircraft is operated at or above 1,000 feet AGL
  - (i) during the day, flight visibility is not less than one mile,
  - (ii) during the night, flight visibility is not less than three miles, and
  - (iii) in either case, the distance of the aircraft from cloud is not less than 500 feet vertically and 2,000 feet horizontally;
- (c) where the aircraft is not a helicopter and is operated at less than 1,000 feet AGL

- (i) during the day, flight visibility is not less than two miles, except if otherwise authorized in an air operator certificate,
  - (ii) during the night, flight visibility is not less than three miles, and
  - (iii) in either case, the aircraft is operated clear of cloud; and
- (d) where the aircraft is a helicopter and is operated at less than 1,000 feet AGL
- (i) during the day, flight visibility is not less than one mile, except if otherwise authorized in an air operator certificate or a flight training unit operator certificate - helicopter,
  - (ii) during the night, flight visibility is not less than three miles, and
  - (iii) in either case, the aircraft is operated clear of cloud.

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 14.]

### **602.116 VFR Over-the-Top**

Despite paragraphs 602.114(a) and 602.115(a), an aircraft may be operated in VFR OTT flight during the cruise portion of the flight during the day if

- (a) the aircraft is operated at a vertical distance from cloud of at least 1,000 feet;
- (b) where the aircraft is operated between two cloud layers, the vertical distance between the layers is at least 5,000 feet;
- (c) flight visibility at the cruising altitude of the aircraft is at least five miles; and
- (d) the weather at the aerodrome of destination is forecast to have no broken, overcast or obscured layer lower than 3,000 feet above the planned flight altitude and the ground visibility is forecast to be five miles or greater with no thunderstorms or precipitation
  - (i) where the forecast is an aerodrome forecast (TAF), for the period from one hour before to two hours after the estimated time of arrival, using the worst forecast condition together with any of the references TEMPO (temporary fluctuation), BECMG (becoming) or PROB (probability), and
  - (ii) where an aerodrome forecast (TAF) is not available and the forecast is an area forecast (FA), for the period from one hour before to three hours after the

estimated time of arrival.

[Effective 2021/06/17 - Previous Version Dated 2019/06/14][Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 33; SOR/2021-152, s. 19(E).]

### **602.117 Special VFR Flight**

**(1)** Despite paragraph 602.114(b), an aircraft may be operated in special VFR flight within a control zone if

(a) weather conditions preclude compliance with paragraph 602.114(b);

(b) flight visibility is not less than

(i) one mile, where the aircraft is not a helicopter, or

(ii) one-half mile, where the aircraft is a helicopter;

(c) the aircraft is operated clear of cloud and with visual reference to the surface at all times; and

(d) authorization to do so has been requested and obtained from the appropriate air traffic control unit.

**(2)** Where aerodrome traffic permits, an air traffic control unit shall authorize a pilot-in-command to operate an aircraft in special VFR flight within a control zone if

(a) the pilot-in-command requests authorization to operate the aircraft in special VFR flight;

(b) when reported, ground visibility within the control zone is not less than

(i) one mile, where the aircraft is not a helicopter, or

(ii) one-half mile, where the aircraft is a helicopter;

(c) the aircraft is equipped with radiocommunication equipment capable of maintaining communication with the appropriate air traffic control unit; and

(d) the aircraft is not a helicopter and is operated during the night, and the authorization is for the purpose of allowing the aircraft to land at the destination aerodrome.

[Effective 2021/06/17 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 11; SOR/2021-152, s. 19(E).]

### **602.118 to 602.120 Reserved**

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## Division VII - Instrument Flight Rules

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### 602.121 General Requirements

- (1) No pilot-in-command shall operate an aircraft in IMC in any class of airspace, except in accordance with IFR.
- (2) No pilot-in-command of an aircraft shall conduct an IFR flight within controlled airspace unless the aircraft is operated in accordance with an air traffic control clearance pursuant to Section 602.31.

### 602.122 Alternate Aerodrome Requirements

Except as otherwise authorized by the Minister in an air operator certificate or in a special authorization issued under subsection 604.05(2), no pilot-in-command shall operate an aircraft in IFR flight unless the IFR flight plan or IFR flight itinerary that has been filed for the flight under Section 602.73 includes an alternate aerodrome having a landing area suitable for use by that aircraft.

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 15.]

### 602.123 Alternate Aerodrome Weather Minima

No pilot-in-command of an aircraft shall include an alternate aerodrome in an IFR flight plan or IFR flight itinerary unless available weather information indicates that the ceiling and visibility at the alternate aerodrome will, at the expected time of arrival, be at or above the alternate aerodrome weather minima specified in the *Canada Air Pilot*.

### 602.124 Minimum Altitudes to Ensure Obstacle Clearance

- (1) Subject to subsections (2) and (3), the pilot-in-command of an IFR aircraft shall, except when taking off or landing, or when being radar-vectorred by an air traffic control unit, ensure that the aircraft is operated at or above
- (a) the MOCA, when the aircraft is on an airway or air route; and
  - (b) the minimum altitude established by the Minister to ensure obstacle clearance and specified on an IFR chart, when the aircraft is within airspace in respect of which such a minimum altitude has been established.

(2) When an aircraft referred to in subsection (1) is not being operated on an airway or air route or within airspace in respect of which a minimum altitude referred to in paragraph (1)(b) has been established, the pilot-in-command shall ensure that the aircraft is operated at or above

(a) an altitude of 1,000 feet above the highest obstacle located within a horizontal distance of five nautical miles from the estimated position of the aircraft in flight;

(b) in a region designated as a mountainous region in the *Designated Airspace Handbook* and identified therein as area 1 or 5, an altitude of 2,000 feet above the highest obstacle within a horizontal distance of five nautical miles from the estimated position of the aircraft in flight; and

(c) in a region designated as a mountainous region in the *Designated Airspace Handbook* and identified therein as area 2, 3 or 4, an altitude of 1,500 feet above the highest obstacle within a horizontal distance of five nautical miles from the estimated position of the aircraft in flight.

(3) If aviation safety would be at risk as a result of the presence of obstacles to air navigation, the Minister may issue a NOTAM that establishes a higher minimum altitude requirement than that referred to in subsection (1) or (2).

### **602.125 Enroute IFR Position Reports**

(1) The pilot-in-command of an IFR aircraft shall transmit position reports over compulsory reporting points specified on an IFR chart unless advised by the appropriate air traffic control unit that the aircraft is radar-identified.

(2) A position report transmitted pursuant to subsection (1) shall contain the information specified by the Minister in the *Canada Flight Supplement*.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 12.]

### **602.126 Take-off Minima**

(1) No pilot-in-command of an aircraft shall conduct a take-off if the take-off visibility, as determined in accordance with subsection (2), is below the minimum take-off visibility specified in

(a) the air operator certificate where the aircraft is operated in accordance with Part VII;

(b) a special authorization issued under subsection 604.05(2); or



(c) the *Canada Air Pilot* in any case other than a case described in paragraph (a) or (b).

**(2)** For the purposes of subsection (1), the take-off visibility is

(a) the RVR of the runway, if the RVR is reported to be at or above the minimum take-off visibility specified in a document or the manual referred to in subsection (1);

(b) the ground visibility of the aerodrome for the runway, if the RVR

(i) is reported to be less than the minimum take-off visibility specified in a document or the manual referred to in subsection (1),

(ii) is reported to vary between distances less than and greater than the minimum take-off visibility specified in the *Canada Air Pilot* or a certificate referred to in subsection (1), or

(iii) is not reported; or

(c) the runway visibility as observed by the pilot-in-command, if

(i) the RVR is not reported, and

(ii) the ground visibility of the aerodrome is not reported.

[Amended 2014/05/29 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 11; SOR/2014-131, s. 16.]

### **602.127 Instrument Approaches**

**(1)** Unless otherwise authorized by the appropriate air traffic control unit, the pilot-in-command of an IFR aircraft shall, when conducting an approach to an aerodrome or a runway, ensure that the approach is made in accordance with the instrument approach procedure.

**(2)** No pilot-in-command of an IFR aircraft shall commence an instrument approach procedure unless the aircraft altimeter is set to an altimeter setting that is usable at the aerodrome where the approach is to be conducted.

### **602.128 Landing Minima**

**(1)** No pilot-in-command of an IFR aircraft shall conduct an instrument approach procedure except in accordance with the minima specified in the *Canada Air Pilot* or the *Restricted Canada Air Pilot*.

**(2)** No pilot-in-command of an IFR aircraft shall, unless the required visual reference necessary to continue the approach to land has been established,

(a) in the case of a CAT I or CAT II precision approach, continue the final approach descent below the decision height; or

(b) in the case of a non-precision approach, descend below the minimum descent altitude.

**(3)** Where the pilot-in-command of an IFR aircraft conducting an instrument approach does not establish the required visual reference referred to in subsection (2), the pilot-in-command shall initiate a missed approach procedure

(a) in the case of a CAT I or CAT II precision approach, at decision height; and

(b) in the case of a non-precision approach, at the missed approach point.

**(4)** Despite anything in this Division, no pilot-in-command of an IFR aircraft shall conduct a precision approach to CAT II or CAT III minima unless

(a) the flight crew has received the training specified in the *Manual of All Weather Operations* (Categories II and III); and

(b) the aircraft is operated in accordance with the procedures, the equipment requirements and the limitations specified in the manual referred to in paragraph (a).

[Effective 2021/06/17 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 12; SOR/2014-131, s. 17; SOR/2021-152, s. 19(E).]

### **602.129 Approach Ban - General**

**(1)** This Section does not apply in respect of aircraft operated under Part VII.

**(2)** For the purposes of subsection (4), the RVR with respect to an aeroplane is less than the minimum RVR if

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the runway of intended approach is less than 1,200 feet or the RVR measured by RVR "B" for the runway of intended approach is less than 600 feet; or

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the runway of intended approach is less than 1,200 feet.

**(3)** For the purposes of subsection (4), the RVR with respect to a helicopter is less than the

minimum RVR if

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the surface of intended approach is less than 1,200 feet; or

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the surface of intended approach is less than 1,200 feet.

**(4)** Where the RVR is reported to be less than the minimum RVR set out in subsection (2) or (3), as applicable, no person shall continue an instrument approach in an IFR aircraft unless

(a) at the time the RVR report is received, the aircraft has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted;

(b) the aircraft is on a training flight where a landing is not intended and the appropriate air traffic control unit is informed that a missed approach procedure will be initiated at or above the decision height or minimum descent altitude, as appropriate;

(c) the RVR is varying between distances less than and greater than the minimum RVR;

(d) the RVR is less than the minimum RVR, and the ground visibility at the aerodrome where the runway is located is reported to be at least one quarter of a mile; or

(e) the pilot-in-command of the aircraft is conducting a precision approach to CAT III minima.

**(5)** No pilot-in-command of an IFR aircraft shall commence a non-precision approach, an APV or a CAT I or CAT II precision approach to an airport where low-visibility procedures are in effect.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 13.]

### **602.130 Approach Ban - CAT III Precision**

**(1)** This Section does not apply in respect of aircraft operated under Part VII.

**(2)** No person shall continue a CAT III precision approach in an IFR aircraft beyond the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted, unless the RVR reported is equal to or greater than the minimum RVR specified in the *Canada Air Pilot* in respect of the runway or surface of intended approach for the instrument approach procedure conducted.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 13.]

### **602.131 Runway Visibility**

**(1)** When no reading from RVR "A" or RVR "B" for the runway of intended approach is available, runway visibility is assessed

(a) by a pilot holding an instrument rating and in the manner set out in Section 622.131 of Standard 622 - *Pilot Assessment of Runway Visibility Standards of the General Operating and Flight Rules Standards*; or

(b) by a person qualified in accordance with Section 804.26 and in the manner set out in Section 804.25.

**(2)** The assessment of runway visibility is valid only for a period of 20 minutes after it is established.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 14; SOR/2015-160, s. 28(F).]

### **602.132 Reserved**

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

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## **Division VIII - Radiocommunications**

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### **602.133 Language Used in Aeronautical Radiocommunications**

English and French are the languages of aeronautical radiocommunication in Canada.

### **602.134 Request for Air Traffic Services**

Any person operating an aircraft who wishes to receive air traffic services referred to in Section 801.11 in English or French shall so indicate to the appropriate air traffic control unit or flight service station by means of an initial radiocommunication in English or French, as appropriate.

[Effective 2019/06/14 - Previous Version Dated 2004/02/24][Amended 2004/02/24 - Previous Version Dated 1996/10/10]

[SOR/2004-29, s. 6; SOR/2019-119, s. 34.]

### **602.135 Reserved**

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 35]

### **602.136 Continuous Listening Watch**

Subject to Sections 602.137 and 602.138, where an aircraft is equipped with radiocommunication equipment, the pilot-in-command shall ensure that

- (a) a listening watch is maintained on the appropriate frequency; and
- (b) where communications are required, communication is established with an air traffic control unit, flight service station or community aerodrome radio station, as applicable, on that appropriate frequency.

#### **602.137 Two-way Radiocommunication Failure in IFR Flight**

**(1)** Where there is a two-way radiocommunication failure between the controlling air traffic control unit and an IFR aircraft that is in or has received a clearance to enter controlled airspace, the pilot-in-command shall

- (a) maintain a listening watch on the appropriate frequency for control messages or further clearance and acknowledge receipt of any such messages, if possible, by any means available;
- (b) set the transponder to code 7600; and
- (c) attempt to establish communications with any air traffic services facility or other aircraft, inform the facility or aircraft of the difficulty and request it to relay the information to the last air traffic control unit with which communications had been established.

**(2)** Where communications cannot be established with any air traffic services facility, either directly or by relay through an intermediary, the pilot-in-command shall, except where specific instructions to cover an anticipated communications failure have been received from an air traffic control unit, comply with the procedures specified by the Minister in the *Canada Air Pilot* and the *Canada Flight Supplement*.

#### **602.138 Two-way Radiocommunication Failure in VFR Flight**

Where there is a two-way radiocommunication failure between the controlling air traffic control unit and a VFR aircraft while operating in Class B, Class C or Class D airspace, the pilot-in-command shall

- (a) leave the airspace
  - (i) where the airspace is a control zone, by landing at the aerodrome for which the control zone is established, and

(ii) in any other case, by the shortest route;

(b) where the aircraft is equipped with a transponder, set the transponder to code 7600; and

(c) inform an air traffic control unit as soon as possible of the actions taken pursuant to paragraph (a).

### **602.139 to 602.142 Reserved**

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## **Division IX - Emergency Communications and Security**

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### **602.143 Emergency Radio Frequency Capability**

No person shall operate an aircraft equipped with two-way VHF radiocommunication equipment unless the equipment is capable of providing communication on VHF frequency 121.5 MHz.

### **602.144 Interception Signals, Interception of Aircraft and Instructions to Land**

**(1)** No person shall give an interception signal or an instruction to land except

(a) a peace officer, an officer of a police authority or an officer of the Canadian Armed Forces acting within the scope of their duties; or

(b) a person authorized to do so by the Minister pursuant to subsection (2).

**(2)** The Minister may authorize a person to give an interception signal or an instruction to land if such authorization is in the public interest and is not likely to affect aviation safety.

**(3)** The pilot-in-command of an aircraft who receives an instruction to land from a person referred to in subsection (1) shall, subject to any direction received from an air traffic control unit, comply with the instruction.

**(4)** The pilot-in-command of an intercepting aircraft and the pilot-in-command of an intercepted aircraft shall comply with the rules of interception set out in the *Canada Flight Supplement*.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-152, s. 18.]

## **602.145 ADIZ**

**(1)** This Section applies in respect of aircraft before entering into and while operating within the ADIZ, the dimensions of which are specified in the *Designated Airspace Handbook*.

**(2)** Every flight plan or flight itinerary required to be filed pursuant to this Section shall be filed with an air traffic control unit, a flight service station or a community aerodrome radio station.

**(3)** The pilot-in-command of an aircraft whose point of departure within the ADIZ or last point of departure before entering the ADIZ has facilities for the transmission of flight plan or flight itinerary information shall

(a) before take-off, file a flight plan or flight itinerary;

(b) in the case of a VFR aircraft where the point of departure is outside the ADIZ,

(i) indicate in the flight plan or flight itinerary the estimated time and point of ADIZ entry, and

(ii) as soon as possible after take-off, communicate by radio to an air traffic control unit, a flight service station or a community aerodrome radio station a position report of the aircraft's location, altitude, aerodrome of departure and estimated time and point of ADIZ entry; and

(c) in the case of a VFR aircraft where the point of departure is within the ADIZ, as soon as possible after take-off, communicate by radio to an air traffic control unit, a flight service station or a community aerodrome radio station a position report of the aircraft's location, altitude and aerodrome of departure.

**(4)** The pilot-in-command of an aircraft whose point of departure within the ADIZ or last point of departure before entering the ADIZ does not have facilities for the transmission of flight plan or flight itinerary information shall

(a) as soon as possible after take-off, file by radiocommunication a flight plan or flight itinerary; and

(b) in the case of a VFR aircraft, indicate in the flight plan or flight itinerary the estimated time and point of ADIZ entry, if applicable.

**(5)** The pilot-in-command of a VFR aircraft shall revise the estimated time and point of ADIZ entry and inform an air traffic control unit, a flight service station or a community aerodrome

radio station, when the aircraft is not expected to arrive

(a) within plus or minus five minutes of the estimated time at

- (i) a reporting point,
- (ii) the point of ADIZ entry, or
- (iii) the point of destination within the ADIZ; or

(b) within 20 nautical miles of

- (i) the estimated point of ADIZ entry, or
- (ii) the centre line of the route of flight indicated in the flight plan or flight itinerary.

### **602.146 ESCAT Plan**

[SOR/2002-352, s. 2]

**(1)** This Section applies in respect of aircraft before entering into and while operating within Canadian Domestic Airspace or the ADIZ.

**(2)** The pilot-in-command of an aircraft referred to in subsection (1) who is notified by an air traffic control unit of the implementation of the ESCAT plan shall

(a) before take-off, obtain approval for the flight from the appropriate air traffic control unit or flight service station;

(b) comply with any instruction to land or to change course or altitude that is received from the appropriate air traffic control unit or flight service station; and

(c) provide the appropriate air traffic control unit or flight service station with position reports

(i) when operating within controlled airspace, as required pursuant to Section 602.125, and

(ii) when operating outside controlled airspace, at least every 30 minutes.

[Amended 2002/09/24 - Previous Version Dated 1996/10/10]

[SOR/2002-352, s. 3.]

### **602.147 to 602.149 Reserved**



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## **Division X - Noise Emission Levels for Subsonic Turbo-jet Aeroplanes**

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[Amended 2008/09/05 - Previous Version Dated 1996/10/10]

[Amended 2008/09/05 - Previous Version Dated 1996/10/10]

### **602.150 Requirements**

**(1)** No person shall operate a subsonic turbo-jet aeroplane that has a maximum certificated take-off weight of 34 000 kg (74,956 pounds) or more to or from an aerodrome other than Gander International Airport unless the aeroplane meets the noise emission standards set out in Chapter 3 or 4 of Volume I, Aircraft Noise, of Annex 16 to the Convention.

**(2)** For the purpose of subsection (1), the following expressions, used in Annex 16 to the Convention, have the following meanings:

(a) “aeroplane” has the same meaning as in subsection 101.01(1);

(b) “maximum certificated take-off mass” has the same meaning as “maximum certificated take-off weight” in subsection 101.01(1); and

(c) “subsonic jet” has the same meaning as “subsonic turbo-jet aeroplane” in subsection (1).

[Amended 2011/01/21 - Previous Version Dated 2008/09/05][Amended 2008/09/05 - Previous Version Dated 1996/10/10]

[SOR/2008-277, s. 1; SOR/2010-304, s. 3.]

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## **Subpart 3 - Special Flight Operations**

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### **Division I - Special Aviation Events**

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#### **603.01 Certification Requirements for Special Aviation Events**

No person shall conduct a special aviation event, other than a fly-in, unless the person complies with the provisions of a special flight operations certificate - special aviation event issued by the Minister under Section 603.02.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 15.]

### **603.02 Issuance of Special Flight Operations Certificate - Special Aviation Event**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by and within the time limits specified in the *Special Flight Operations Standards*, issue a special flight operations certificate - special aviation event to an applicant who demonstrates to the Minister the ability to conduct a special aviation event in accordance with the *Special Flight Operations Standards*.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 13.]

### **603.03 Contents of Special Flight Operations Certificate - Special Aviation Event**

A special flight operations certificate - special aviation event shall contain the following information:

- (a) the name and address of the certificate holder;
- (b) the number of the certificate;
- (c) the date of issue of the certificate;
- (d) the validity period of the certificate;
- (e) the general conditions identified in Section 603.04; and
- (f) specific conditions with respect to
  - (i) the types of aircraft authorized to operate at the special aviation event and, if applicable, their registration,
  - (ii) the names and, if applicable, the qualifications of the flight crew members authorized to participate in the special aviation event, and
  - (iii) any other condition pertaining to the special aviation event that the Minister deems necessary for aviation safety.

### **603.04 General Conditions of Special Flight Operations Certificate - Special Aviation Event**

A special flight operations certificate - special aviation event shall contain the following general conditions:

- (a) the certificate holder shall maintain an adequate management organization;

- (b) the certificate holder shall ensure that participants are
  - (i) qualified for the type of demonstration to be flown, and
  - (ii) provided with a briefing that meets the Special Flight Operations Standards;and
- (c) the certificate holder shall conduct the special aviation event in a safe manner.

### **603.05 Event Management**

No person shall conduct a special aviation event unless the person has a management organization that

- (a) is capable of exercising supervision and operational control over
  - (i) persons attending the special aviation event,
  - (ii) any flight that is to be operated at the special aviation event;
  - (iii) personnel involved in the conduct of the special aviation event whose duties and responsibilities are specified in the Special Flight Operations Standards; and
- (b) meets the Special Flight Operations Standards.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 14.]

### **603.06 Participant and Aircraft Eligibility**

No person shall operate an aircraft or permit an aircraft to be operated in a special aviation event unless the person operating the aircraft and the aircraft

- (a) meet the eligibility requirements specified in Section 623.06 of the Special Flight Operations Standards; and
- (b) are authorized to do so in a special flight operations certificate - special aviation event.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 15.]

### **603.07 Minimum Safety Distances and Altitudes**

No person shall operate an aircraft in a special aviation event at a distance from, or at an altitude above, a spectator area, a built-up area or an occupied building if that distance or

altitude is less than the minimum specified in Section 623.07 of the *Special Flight Operations Standards*.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 15.]

### **603.08 Weather Conditions**

No person shall operate an aircraft in a special aviation event in weather conditions that are below the minimum conditions specified in the *Special Flight Operations Standards*.

### **603.09 Participant Briefing**

No person shall operate an aircraft in a special aviation event unless the person has received a participant briefing that meets the *Special Flight Operations Standards*.

### **603.10 to 603.15 Reserved**

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## **Division II - Balloons with Fare-paying Passengers**

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### **603.16 Application**

This Division applies in respect of the operation of a balloon where fare-paying passengers are carried on board.

### **603.17 Certification Requirements for Balloon Operations**

No person shall operate a balloon under this Division unless the person complies with the provisions of a special flight operations certificate - balloons issued by the Minister pursuant to Section 603.18.

### **603.18 Issuance of Special Flight Operations Certificate - Balloons**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Special Flight Operations Standards*, issue a special flight operations certificate - balloons to an applicant who demonstrates to the Minister the ability to conduct the flight operation in accordance with the *Special Flight Operations Standards*.

### **603.19 Contents of Special Flight Operations Certificate - Balloons**

A special flight operations certificate - balloons shall contain the following information:

- (a) the name and address of the balloon operator;
- (b) the number of the certificate;
- (c) the date of issue of the certificate;
- (d) the general conditions identified in Section 603.20; and
- (e) specific conditions with respect to
  - (i) the types and AX class of balloons authorized and, where the balloon is of a special shape or is a foreign-registered balloon, its registration,
  - (ii) the external carriage of passengers, and
  - (iii) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

#### **603.20 General Conditions of Special Flight Operations Certificate - Balloons**

A special flight operations certificate - balloons shall contain the following general conditions:

- (a) the balloon operator shall maintain balloons that are properly equipped for the area of operation and the type of operation;
- (b) the balloon operator shall maintain its balloons in accordance with the requirements of Subpart 5;
- (c) the balloon operator shall employ flight crew members who meet the *Special Flight Operations Standards*; and
- (d) the balloon operator shall conduct a safe operation.

#### **603.21 Crew Member Qualifications**

No balloon operator shall permit a person to act and no person shall act as the pilot-in-command of a balloon unless the person meets the qualification and currency requirements set out in the *Special Flight Operations Standards*.

#### **603.22 Briefing of Passengers**

The pilot-in-command of a balloon shall ensure that passengers are given a safety briefing that meets the *Special Flight Operations Standards*.

### **603.23 Operations at Night**

No person shall operate a balloon in free flight at night unless

- (a) the balloon is equipped in accordance with Section 605.19; and
- (b) landings are conducted during the day.

### **603.24 Tethered Flight**

**(1)** No person shall operate a balloon in tethered flight with passengers on board unless the pilot-in-command is on board.

**(2)** The pilot-in-command shall record all time spent in tethered flight as air time for the purpose of maintenance.

### **603.25 Carriage of Passengers**

No person shall operate a balloon with passengers on board unless each passenger is carried in the basket.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 16.]

### **603.26 to 603.35 Reserved**

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 16.]

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## **Division III - Parachuting**

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### **603.36 Application**

This Division applies in respect of the conduct of parachute descents

- (a) in or into controlled airspace or an air route; and
- (b) over or into a built-up area or open-air assembly of persons.

### **603.37 Certification Requirements for Parachute Operations**

For the purposes of Section 602.26, a pilot-in-command may permit and a person may conduct a parachute descent under this Division if the person complies with the provisions of a special

flight operations certificate - parachuting issued by the Minister pursuant to Section 603.38.

### **603.38 Issuance of Special Flight Operations Certificate - Parachuting**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Special Flight Operations Standards*, issue a special flight operations certificate - parachuting to an applicant who demonstrates to the Minister the ability to conduct the flight operation in accordance with the *Special Flight Operations Standards*.

### **603.39 Contents of Special Flight Operations Certificate - Parachuting**

A special flight operations certificate - parachuting shall contain the following information:

- (a) the name and address of the certificate holder;
- (b) the number of the certificate;
- (c) the date of issue of the certificate;
- (d) the validity period of the certificate;
- (e) the type of flight operation authorized; and
- (f) any condition pertaining to the operation that the Minister deems necessary for aviation safety.

### **603.40 to 603.64 Reserved**

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## **Division IV - Miscellaneous Special Flight Operations**

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### **603.65 Application**

This Division applies in respect of the following flight operations when not conducted under Part VII:

- (a) the operation of an aircraft, other than a balloon, for the purpose of conducting a take-off or landing within a built-up area of a city or town at a place other than an airport, heliport or military aerodrome;
- (b) the operation of an aircraft for the purpose of conducting aerial application, aerial

inspection or aerial photography at altitudes and distances less than those specified in paragraph 602.14(2)(a);

(c) the operation of a helicopter while conducting Class B, C or D external load operations over a built-up area or open-air assembly of persons, including flight at altitudes and distances less than those specified in paragraph 602.14(2)(a);

(d) Repealed.

(e) the operation of a powered aircraft while persons enter or, except for parachute descents, leave the aircraft in flight; and

(f) the operation of an aircraft while conducting aerobatic manoeuvres below 2,000 feet AGL.

[Effective 2019/06/14 - Previous Version Dated 2019/01/09][Effective 2019/01/09 (In Force 2019/06/01) - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 2003/12/01][Amended 2003/12/01 - Previous Version Dated 1996/10/10]  
[SOR/2003-271, s. 7; SOR/2007-87, s. 12; SOR/2019-11, s. 18; SOR/2019-119, s. 36.]

### **603.66 Certification Requirements**

No person shall conduct a flight operation referred to in Section 603.65 unless the person complies with the provisions of a special flight operations certificate issued by the Minister pursuant to Section 603.67.

### **603.67 Issuance of Special Flight Operations Certificate**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Special Flight Operations Standards*, issue a special flight operations certificate to an applicant who demonstrates to the Minister the ability to conduct the flight operation in accordance with the *Special Flight Operations Standards*.

### **603.68 Contents of Special Flight Operations Certificate**

A special flight operations certificate shall contain the following information:

(a) the name and address of the certificate holder;

(b) the number of the certificate;

(c) the date of issue of the certificate;

(d) the validity period of the certificate;



(e) the type of flight operation authorized; and

(f) any condition pertaining to the operation that the Minister deems necessary for aviation safety.

**603.69 to 603.75 Reserved**

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## **Subpart 4 - Private Operators**

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### **Division I - General Provisions**

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#### **604.01 Interpretation**

**(1)** The following definitions apply in this Subpart.

"flight deck duty time" - means the period spent by a flight crew member at a flight crew member position in an aeroplane during flight time. (*temps de service au poste de pilotage*)

[Effective 2018/12/12 - No Previous Version]

"main base" - means a location where a private operator has personnel, aircraft and facilities for its operations and that is established as the principal place of business of the private operator. (*base principale*)

"PBN Manual" - means ICAO Document 9613, entitled *Performance-based Navigation (PBN) Manual*. (*manuel PBN*)

"special authorization" - means an authorization issued by the Minister under subsection 604.05(2) that permits the carrying out of an activity referred to in Division IV or an activity in respect of which the Minister has established requirements under subsection 604.74(1). (*autorisation spéciale*)

"sub-base" - means a location where a private operator has personnel and aircraft and from which operational control is exercised in accordance with the private operator's operational control system. (*base secondaire*)

**(2)** For the purpose of interpreting a document incorporated by reference into this Subpart, unless the context requires otherwise,

- (a) “should” and “must” - shall be read as “shall”;
- (b) “operator” and “aircraft operator” - shall be read as “private operator”; and
- (c) “authority”, “competent aviation authority” and “operating authority” - shall be read as “Minister”.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18; SOR/2018-269, s. 7.]

### **604.02 Application**

This Subpart applies to the following Canadian aircraft:

- (a) large aeroplanes;
- (b) turbine-powered aircraft;
- (c) pressurized aircraft; and
- (d) multi-engined aircraft.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

### **604.03 Prohibition**

**(1)** Subject to subsection (2), no person shall operate any of the following Canadian aircraft for the purpose of transporting passengers or goods unless the person is the holder of a private operator registration document:

- (a) a large aeroplane;
- (b) a turbo-jet-powered aeroplane; or
- (c) a turbine-powered pressurized aeroplane certificated for more than six passenger seats.

**(2)** Subsection (1) does not apply to the operation of an aircraft referred to in paragraphs (1)(a) to (c) by

- (a) an air operator who operates the aircraft in accordance with the requirements of Part VII; or
- (b) a person who operates the aircraft under a flight permit issued under Section 507.04.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

### **604.04 Issuance of a Private Operator Registration Document**

**(1)** The applicant for a private operator registration document shall submit to the Minister an application containing the following information:

- (a) the applicant's legal name and, if any, trade name;
- (b) the applicant's contact information;
- (c) the names of the operations manager, chief pilot and maintenance manager;
- (d) a description of the proposed area of operation, using the chart depicted in the Index to Application of Supplementary Procedures in ICAO Document 7030, entitled Regional Supplementary Procedures;
- (e) the location of the applicant's main base and, if any, sub-bases; and
- (f) for each aircraft that will be operated, the aircraft type, the nationality mark and the registration mark.

**(2)** The Minister shall, on receipt of the application referred to in subsection (1), issue a private operator registration document to the applicant if the applicant is the registered owner of all the aircraft that will be operated under this Subpart or is permitted to use those aircraft under Section 203.03.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

#### **604.05 Issuance of Special Authorization**

**(1)** A private operator who wishes to operate an aircraft under a special authorization shall submit to the Minister an application that

- (a) identifies the activity referred to in Division IV that the applicant wishes to carry out; and
- (b) includes a copy of the part of the private operator's operations manual that sets out the processes, practices and procedures relating to the special authorization requested.

**(2)** The Minister shall, on receipt of the application referred to in subsection (1), issue a special authorization to the applicant if the applicant

- (a) holds a private operator registration document;
- (b) is able to meet the requirements of Division IV relating to the special authorization requested; and
- (c) has an operations manual that sets out the processes, practices and procedures that are

necessary to meet the requirements of Division IV relating to the special authorization requested.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

### **604.06 Notice to the Minister**

A private operator shall notify the Minister if a change is made to the information contained in an application submitted under subsection 604.04(1) within ten days after the day on which the change is made.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

### **604.07 Amendment of Private Operator's Operations Manual**

A private operator who has been issued a special authorization, and who amends the part of the private operator's operations manual that sets out the processes, practices and procedures relating to the special authorization, shall submit to the Minister a copy of that part of the operations manual within ten days after the day on which the amendment is made.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

### **604.08 Duties of a Private Operator**

A private operator shall

(a) ensure that no person is appointed operations manager or chief pilot or continues to serve as operations manager or chief pilot if, at the time of the person's appointment or during the person's tenure, the person has a record of conviction for

(i) an offence under Section 7.3 of the Act, or

(ii) two or more offences under these Regulations that did not arise from a single incident;

(b) ensure that no person is appointed maintenance manager or continues to serve as maintenance manager if, at the time of the person's appointment or during the person's tenure, the person has a record of conviction for an offence under Section 7.3 of the Act;

(c) ensure that the operations manager performs the duties set out in Section 604.204;

(d) perform the duties set out in Section 604.208; and

(e) provide the operations manager and the maintenance manager with the financial and human resources necessary to ensure that the private operator meets the requirements of

these Regulations.

[SOR/2014-131, s. 18.]

### **604.09 Accountability**

**(1)** No operations manager, no chief pilot and no maintenance manager shall assign to another person a management function for which he or she is responsible and accountable unless the private operator's operations manual

(a) identifies the functions that may be assigned;

(b) identifies either by name or by position the persons to whom those functions may be assigned; and

(c) describes the scope of the assignment.

**(2)** The responsibility and accountability of an operations manager, a chief pilot and a maintenance manager are not affected by the assignment of a management function to another person under subsection (1).

[SOR/2014-131, s. 18.]

### **604.10 to 604.24 Reserved**

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## **Division II - Flight Operations**

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### **604.25 Operational Control System**

**(1)** A private operator shall have an operational control system that is adapted to the complexity of the private operator's operations and to the private operator's area of operation, and that meets the requirements of subsections (2) and (3).

**(2)** The operational control system shall include procedures for ensuring that

(a) all the operational requirements specified in this Subpart are met;

(b) each aircraft is operated within the weight and balance limits specified in the aircraft flight manual;

(c) the names of the persons on board an aircraft are recorded by the private operator before each flight; and

(d) search and rescue authorities are notified in a timely manner if a flight is overdue or missing.

**(3)** The operational control system shall include

(a) pilot self-dispatch procedures that set out the following elements:

(i) flight planning requirements,

(ii) the timing within which a flight crew member must inform the private operator of an aircraft's departure and arrival, and

(iii) a method of confirming that an aircraft has arrived safely at an unattended aerodrome during a VFR flight or that an IFR flight plan has been cancelled prior to landing; or

(b) co-authority dispatch procedures that set out the following elements:

(i) flight planning requirements,

(ii) flight following requirements,

(iii) flight watch requirements,

(iv) a method of confirming that an aircraft has arrived safely at an unattended aerodrome during a VFR flight or that an IFR flight plan has been cancelled prior to landing,

(v) the method by which the operational flight plan is approved and recorded by the pilot-in-command and the flight dispatcher,

(vi) if operational flight plans are prepared and accepted for a series of flights, the method by which any changes to those plans are approved and recorded by the pilot-in-command and the flight dispatcher,

(vii) if flight planning and flight watch are two separate functions, the method of switching from one to the other, and

(viii) a means to ensure that, at each location where a flight originates, the pilot-in-command will

(A) receive meteorological information related to the flight,

(B) receive a copy of the operational flight plan, and

(C) can contact the responsible flight dispatcher prior to take-off.

**(4)** Documentation related to the operational control of a flight shall be retained by the private operator for at least 180 days after the day on which the flight is completed.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

#### **604.26 Designation of Pilot-in-command and Second-in-command**

**(1)** A private operator shall designate, for each flight, a pilot-in-command or, if the crew includes two or more flight crew members, a pilot-in-command and a second-in-command.

**(2)** The private operator shall record the name of the pilot-in-command and, if applicable, second-in-command designated for each flight under subsection (1) and shall retain the record for at least 180 days after the day on which the flight is completed.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

#### **604.27 Flight Dispatchers and Flight Followers**

A flight dispatcher and a flight follower shall, in respect of a flight conducted by a private operator,

(a) perform flight following and flight watch;

(b) provide any operational information requested by a flight crew member; and

(c) notify search and rescue authorities in a timely manner if a flight is overdue or missing.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

#### **604.28 Instrument Approaches - Landing**

No person shall, in an aircraft operated by a private operator, conduct a landing following an instrument approach unless, immediately before landing, the pilot-in-command ascertains, by means of radiocommunication or visual inspection,

(a) the condition of the runway or surface of intended landing; and

(b) the wind direction and speed.

[SOR/2005-341, s. 5; SOR/2014-131, s. 18.]

#### **604.29 to 604.35 Reserved**

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## Division III - Flight Operations - Documents

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### 604.36 Checklist

(1) A private operator shall provide every crew member with the checklist referred to in paragraph 602.60(1)(a) or with the part of the checklist that is necessary for the performance of the crew member's duties.

(2) Every crew member shall follow, in the performance of his or her duties, the checklist or part of the checklist referred to in subsection (1).

[SOR/2014-131, s. 18.]

### 604.37 Aircraft Operating Manual

(1) A private operator may establish an aircraft operating manual for the operation of its aircraft.

(2) An aircraft operating manual shall

(a) contain aircraft operating procedures that are consistent with those contained in the aircraft flight manual;

(b) contain, if the aircraft flight manual is not carried on board the aircraft, the aircraft performance data and limitations specified in that manual, and clearly identify them as aircraft flight manual requirements;

(c) contain the private operator's standard operating procedures, if any; and

(d) identify the aircraft to which it relates.

[SOR/2014-131, s. 18.]

### 604.38 Operational Flight Data Sheet

(1) No person shall conduct a take-off in an aircraft operated by a private operator unless an operational flight data sheet has been prepared and contains the following information:

(a) the date of the flight;

(b) the aircraft's nationality mark and registration mark;



- (c) the name of the pilot-in-command;
- (d) the departure aerodrome;
- (e) the destination aerodrome;
- (f) the alternate aerodrome, if any;
- (g) the estimated flight time;
- (h) the fuel endurance;
- (i) the weight of the fuel on board the aircraft;
- (j) the zero fuel weight of the aircraft;
- (k) the take-off weight and centre of gravity of the aircraft;
- (l) the number of persons on board the aircraft;
- (m) the proposed time of departure; and
- (n) the estimated time of arrival.

**(2)** The pilot-in-command of an aircraft referred to in subsection (1) shall, on the completion of each flight, record on the operational flight data sheet the flight time, time of departure, time of arrival and aerodrome of arrival.

**(3)** The private operator shall retain a copy of the operational flight data sheet for at least 180 days after the day on which the flight is completed.

[SOR/2014-131, s. 18.]

### **604.39 to 604.45 Reserved**

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## **Division IV - Flight Operations - Special Authorizations**

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### **604.46 Minimum Performance Capability of Long-range Navigation Systems**

**(1)** For the purposes of this Division, a long-range navigation system shall have the following performance capability:

- (a) the standard deviation of the lateral track deviations is less than 6.3 nautical miles;
- (b) the proportion of the total flight time that is spent by the aircraft at a distance of 30 or more nautical miles from the cleared track is less than  $5.3 \times 10^{-4}$ ; and
- (c) the proportion of the total flight time that is spent by the aircraft at a distance of 50 to 70 nautical miles from the cleared track is less than  $1.3 \times 10^{-4}$ .

**(2)** For the purposes of this Division, a global navigation satellite system (GNSS) receiver is considered to be a long-range navigation system if it is installed in accordance with the requirements of *Advisory Circular 20-138B*, entitled *Airworthiness Approval of Positioning and Navigation Systems*, dated September 27, 2010 and published by the Federal Aviation Administration of the United States, as amended from time to time.

[SOR/2014-131, s. 18.]

#### **604.47 General Prohibition - Special Authorizations**

**(1)** Subject to subsection (2), no person shall carry out any activity referred to in this Division or in respect of which the Minister has established requirements under subsection 604.74(1) unless that person is a private operator.

**(2)** A person other than a private operator may conduct an instrument approach using a GNSS receiver to the following minima:

- (a) lateral navigation (LNAV);
- (b) lateral navigation/vertical navigation (LNAV/VNAV);
- (c) localizer performance without vertical guidance (LP); and
- (d) localizer performance with vertical guidance (LPV).

[SOR/2014-131, s. 18.]

#### **604.48 No Alternate Aerodrome - IFR Flight**

**(1)** For the purposes of Section 602.122, a pilot-in-command may conduct an IFR flight in an aircraft operated by a private operator when an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary if

- (a) the private operator is authorized to do so under a special authorization;
- (b) the estimated flight time is not more than six hours and the departure aerodrome is

located in North America, Bermuda or the Caribbean islands;

(c) the forecast or reported weather at the destination aerodrome, from one hour before until one hour after the estimated time of arrival, does not include

(i) conditions, including fog or precipitation, that restrict flight visibility to less than three miles,

(ii) a thunderstorm,

(iii) a ceiling of less than 1,000 feet above the FAF altitude and a ground visibility of less than three miles,

(iv) a ceiling of less than 1,500 feet above the minimum descent altitude and a ground visibility of less than six miles, or

(v) freezing rain, freezing drizzle or sleet;

(d) the destination aerodrome

(i) has at least two runways that are

(A) operational,

(B) separate and not reciprocal directions of the same runway, and

(C) suitable for the aircraft on the basis of the aircraft operating procedures, the aircraft performance data and limitations specified in the aircraft flight manual, and the factors that affect the performance of the aircraft, such as atmospheric and surface conditions, and

(ii) is equipped with an emergency electrical power supply to operate the equipment and facilities that are essential for a safe landing of the aircraft in the event of a failure of the main electrical power supply; and

(e) every flight crew member has received training, for which the validity period has not expired, in the conduct of an IFR flight when an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary.

**(2)** If the requirements of paragraphs (1)(a) to (e) are met, and regardless of the departure aerodrome, the pilot-in-command of an aircraft that is operated by a private operator, and that is on a flight to a destination aerodrome in Canada, may file a new IFR flight plan or a new IFR flight itinerary that does not include an alternate aerodrome when the aircraft is within six

hours' flight time of the destination aerodrome.

[SOR/2014-131, s. 18.]

### **604.49 Take-off Minima**

Despite paragraph 602.126(1)(b),

(a) a pilot-in-command may conduct a take-off in an aircraft operated by a private operator when the reported RVR is at least 1,200 feet or the reported ground visibility is at least one quarter of a statute mile if

- (i) the private operator is authorized to do so under a special authorization,
- (ii) the aircraft is operated by at least two flight crew members,
- (iii) the flight plan filed for the flight specifies a take-off alternate aerodrome that
  - (A) in the case of a twin-engined aircraft, is within the distance that can be flown in 60 minutes at normal cruising speed, or
  - (B) in the case of an aircraft with three or more engines, is within the distance that can be flown in 120 minutes at normal cruising speed,
- (iv) the pilot-in-command and, if the operations manual provides that the second-in-command may conduct the take-off, the second-in-command have received the following training for which the validity period has not expired:
  - (A) take-off alternate aerodrome requirements,
  - (B) pilot-in-command experience requirements,
  - (C) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
  - (D) minimum aircraft and runway equipment requirements,
- (v) the pilot-in-command
  - (A) identifies any obstructions that may be in the take-off path,
  - (B) determines - using the aircraft performance data and limitations specified in the aircraft flight manual - that the aircraft is, with the critical engine inoperative, able to

(I) safely clear those obstructions, and

(II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and

(C) verifies that the RVR is at least 1,200 feet or the ground visibility is at least one quarter of a statute mile,

(vi) the runway is equipped with high-intensity runway lights, or runway centre line lights, that are serviceable and functioning and that are visible to the pilot throughout the take-off run, or with runway centre line markings that are visible to the pilot throughout the take-off run,

(vii) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,

(viii) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative, and

(ix) the pilot-in-command and, if the operations manual provides that the second-in-command may conduct the take-off, the second-in-command have demonstrated to the private operator the ability to operate the aircraft in accordance with this paragraph; and

(b) a pilot-in-command may conduct a take-off in an aircraft operated by a private operator when the reported RVR is at least 600 feet if

(i) the private operator is authorized to do so under a special authorization,

(ii) the aircraft is operated by at least two flight crew members,

(iii) the flight plan filed for the flight specifies a take-off alternate aerodrome that

(A) in the case of a twin-engined aircraft, is within the distance that can be flown in 60 minutes at normal cruising speed, or

(B) in the case of an aircraft with three or more engines, is within the distance that can be flown in 120 minutes at normal cruising speed,

(iv) the pilot-in-command and, if the operations manual provides that the second-in-command may conduct the take-off, the second-in-command have received

the following training for which the validity period has not expired:

- (A) ground training in
  - (I) take-off alternate aerodrome requirements,
  - (II) pilot-in-command experience requirements,
  - (III) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
  - (IV) minimum aircraft and runway equipment requirements, and
- (B) level C or D flight simulator training that includes
  - (I) one completed take-off at an RVR of 600 feet, and
  - (II) one rejected take-off, at an RVR of 600 feet, that includes an engine failure,
- (v) the pilot-in-command
  - (A) identifies any obstructions that may be in the take-off path,
  - (B) determines - using the aircraft performance data and limitations specified in the aircraft flight manual - that the aircraft is, with the critical engine inoperative, able to
    - (I) safely clear those obstructions, and
    - (II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and
  - (C) verifies that the RVR is at least 600 feet,
- (vi) the runway is equipped
  - (A) with high-intensity runway lights, and runway centre line lights, that are serviceable and functioning and that are visible to the pilot throughout the take-off run, and with runway centre line markings that are visible to the pilot throughout the take-off run, and
  - (B) with two RVR sensors that each show an RVR of at least 600 feet, one sensor being situated at the approach end of the runway and the other at

- (I) the mid-point of the runway, or
- (II) the departure end of the runway, if the runway is equipped with three RVR sensors and the sensor situated at the mid-point is not serviceable,
- (vii) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,
- (viii) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative, and
- (ix) the pilot-in-command and, if the operations manual provides that the second-in-command may conduct the take-off, the second-in-command have demonstrated to the private operator the ability to operate the aircraft in accordance with this paragraph.

[Effective 2019/05/29 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-122, s. 5.]

### **604.50 Instrument Procedures - GNSS**

No person shall conduct an instrument procedure using a GNSS receiver in an aircraft operated by a private operator unless

- (a) the private operator is authorized to do so under a special authorization;
- (b) every flight crew member has received the following training for which the validity period has not expired:
  - (i) ground training in
    - (A) the GNSS and its theory of operation,
    - (B) the operation of the model of GNSS receiver that will be used, and
    - (C) the actions to be taken in response to GNSS receiver warnings and messages, and
  - (ii) in-flight training
    - (A) in the operation of the model of GNSS receiver that will be used,
    - (B) in the actions to be taken in response to GNSS receiver warnings and messages,

(C) in the use of the GNSS receiver for instrument procedures and other associated duties for each crew position that the flight crew member will occupy,

(D) provided

(I) on board an aircraft, or

(II) using a Level C or D flight simulator equipped with the same model of GNSS receiver as is installed in the private operator's aircraft or with a model with a user interface comparable to the user interface of that GNSS receiver, and

(E) provided by a pilot who has received training on the same model of GNSS receiver as is installed in the private operator's aircraft or on a model with a user interface comparable to the user interface of that GNSS receiver;

(c) every flight crew member has demonstrated to the private operator the ability to conduct an instrument approach using a GNSS receiver in accordance with this Section;

(d) the coverage area of the GNSS receiver database is compatible with the area of operation in which the aircraft will be operated;

(e) the private operator has established procedures to ensure that

(i) the GNSS receiver database is updated so that it remains current,

(ii) flight crew members who identify GNSS receiver database errors communicate those errors to the private operator, and

(iii) the GNSS receiver database errors identified are communicated to the private operator's other personnel and to the GNSS receiver database provider;

(f) if the aircraft is designed to be operated by one flight crew member, the GNSS course deviation and distance displays are located at the pilot station normally occupied by the pilot-in-command and within the primary field of vision of the flight crew member who occupies the pilot station;

(g) if the aircraft is designed to be operated by two flight crew members, the GNSS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew member who occupies the pilot station;

(h) if the aircraft is designed to be operated by one flight crew member, but can be operated by two flight crew members,



(i) the control display unit that is linked to the GNSS receiver is centrally located in relation to the two pilot stations and provides navigation information that is visible to the pilot not flying, or

(ii) the GNSS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew members who occupy those pilot stations; and

(i) the private operator has established GNSS approach procedures in order to prevent confusion between GNSS distance information and distance measuring equipment (DME) information.

[SOR/2014-131, s. 18.]

### **604.51 Precision Approaches - CAT II and CAT III**

No person shall conduct a CAT II or a CAT III precision approach in an aircraft operated by a private operator unless

(a) the private operator is authorized to do so under a special authorization;

(b) the requirements of Section 602.128 are met;

(c) every flight crew member has received, in respect of CAT II and CAT III precision approaches, ground training for which the validity period has not expired that includes the following elements:

(i) the characteristics, capabilities and limitations of the instrument landing system (ILS), including how its performance is affected by interference from other airborne or taxiing aircraft and from ground vehicles,

(ii) the characteristics of the visual aids and the limitations on their use in reduced visibility at the various glide path angles and cockpit cut-off angles, and the height at which visual cues are expected to appear in actual operating conditions,

(iii) the operation, capabilities and limitations of the airborne systems,

(iv) the procedures and techniques for an approach, a missed approach and a rejected landing, and a description of the factors affecting height loss during a missed approach in normal and abnormal aircraft configurations,

(v) the use and limitations of RVR, including the applicability of RVR readings from

different positions along the runway,

(vi) obstacle limitation surfaces, obstacle-free zones, missed approach design criteria, obstacle clearance for a CAT II or CAT III precision approach, and obstacle clearance for a go-around and a rejected landing,

(vii) the effects of turbulence, precipitation and low level windshear,

(viii) the procedures and techniques for making the transition from instrument flight to visual flight in low RVR conditions, including the geometry of eye, wheel and antenna positions in relation to ILS reference datum height,

(ix) the actions to be taken if the required visual reference becomes inadequate when the aircraft is below the decision height, and the technique to be used for making the transition from visual flight to instrument flight if a go-around is necessary,

(x) the actions to be taken in the event of a failure of the approach and landing equipment above and below the decision height or alert height,

(xi) the recognition of a failure of the ground equipment, and the actions to be taken in the event of such a failure,

(xii) the factors to be taken into account in the determination of the decision height or alert height,

(xiii) the effect of aircraft malfunctions, including engine failure, on auto-throttle and auto-pilot performance,

(xiv) the procedures to be followed and the precautions to be taken while taxiing in reduced visibility, and

(xv) the standard operating procedures to be followed by flight crew members in normal, abnormal and emergency conditions;

(d) every flight crew member has received, in respect of CAT II and CAT III precision approaches, training on a synthetic flight training device that includes the following elements:

(i) two approaches, at least one of which is in an engine-out configuration if the aircraft is certified under Part V to perform in that configuration,

(ii) a missed approach from the lowest minima specified in the special authorization, or

a rejected landing, as applicable,

(iii) an automatic landing or a manual landing from one of the approaches, as applicable, at the maximum crosswind authorized for the aircraft, and

(iv) for CAT III approaches based on the use of a fail-passive rollout control system, a manual rollout using visual references or a combination of visual and instrument references;

(e) every flight crew member has received, in respect of CAT II and CAT III precision approaches, training on a synthetic flight training device for which the validity period has not expired that includes the following elements:

(i) one precision approach resulting in a landing, and

(ii) a missed approach from the lowest minima specified in the special authorization, or a rejected landing, as applicable; and

(f) every flight crew member has demonstrated to the private operator the ability to operate the aircraft in accordance with this Section.

[Effective 2019/05/29 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-122, s. 6.]

### **604.52 Instrument Procedures - Restricted Canada Air Pilot**

No person shall, in an aircraft operated by a private operator, conduct an instrument procedure that is specified in the Restricted Canada Air Pilot for an aerodrome unless

(a) the private operator is authorized to do so under a special authorization;

(b) the person conducts the procedure in accordance with the requirements set out in the Restricted Canada Air Pilot in respect of the procedure; and

(c) every flight crew member has received the training necessary to mitigate the risks or hazards associated with that procedure with respect to the safety of the aircraft, persons or property, and the validity period for that training has not expired.

[SOR/2014-131, s. 18.]

### **604.53 CMNPS and RNP Requirements**

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with Canadian minimum navigation performance specifications

(CMNPS) or required navigation performance capability (RNP) unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with CMNPS or RNP;

(b) every flight crew member has received CMNPS or RNP training, for which the validity period has not expired, in

(i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,

(ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,

(iii) the actions to be taken in the event of a discrepancy among long-range navigation systems, and the method of determining which is the most accurate or reliable system,

(iv) contingency procedures,

(v) the actions to be taken in the event of a failure of one or more long-range navigation systems,

(vi) the procedure for manually updating long-range navigation systems,

(vii) airborne emergency procedures, including realignment, if applicable,

(viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and

(ix) RNAV systems; and

(c) the aircraft is equipped with at least two independent long-range navigation systems or is operated as follows:

(i) in the case of an aircraft equipped only with the radio navigation equipment referred to in paragraph 605.18(j), the aircraft is operated only on high level airways, and

(ii) in the case of an aircraft equipped with at least two independent navigation systems, one of which is a long-range navigation system, the aircraft is operated only in RNP airspace

(A) on high level fixed RNAV routes,

(B) on direct routes that begin and end within the reception range of ground-based navigation aids, or

(C) on high level airways.

[SOR/2014-131, s. 18; SOR/2019-122, s. 7(F).]

#### **604.54 RNPC Requirements - High Level Fixed RNAV Routes**

[SOR/2019-122, s. 8(F).]

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated on a high level fixed RNAV route in accordance with required navigation performance capability (RNPC) unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNPC;

(b) every flight crew member has received RNPC training, for which the validity period has not expired, in

(i) normal operating procedures, including navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,

(ii) the method of monitoring and cross-checking the navigation system that is coupled to the auto-pilot,

(iii) the actions to be taken in the event of a discrepancy among navigation systems, and the method of determining which is the most accurate or reliable system,

(iv) contingency procedures,

(v) the actions to be taken in the event of a failure of one or more navigation systems,

(vi) the procedure for manually updating navigation systems,

(vii) airborne emergency procedures, including realignment, if applicable,

(viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and

(ix) RNAV systems; and

(c) the aircraft is equipped with at least two independent navigation systems, one of which

is a long-range navigation system.

[SOR/2014-131, s. 18.]

### **604.55 NAT-MNPS Requirements**

**(1)** No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with North Atlantic minimum navigation performance specifications (NAT-MNPS) unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with NAT-MNPS;

(b) every flight crew member has received NAT-MNPS training, for which the validity period has not expired, in

(i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,

(ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,

(iii) the actions to be taken in the event of a discrepancy among long-range navigation systems, and the method of determining which is the most accurate or reliable system,

(iv) contingency procedures,

(v) the actions to be taken in the event of a failure of one or more long-range navigation systems,

(vi) the procedure for manually updating long-range navigation systems,

(vii) airborne emergency procedures, including realignment, if applicable,

(viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and

(ix) RNAV systems; and

(c) subject to subsections (2) and (4), the aircraft is equipped with at least two independent long-range navigation systems.

**(2)** No person shall operate, in NAT-MNPS airspace, an aircraft operated by a private operator

that is equipped with only one long-range navigation system, or that has only one functioning long-range navigation system, except on routes that are specified by the civil aviation authority of a contracting state as routes for aircraft equipped with only one long-range navigation system.

**(3)** If the long-range navigation system referred to in subsection (2) is a GNSS receiver, it may be used if

(a) a Canadian Technical Standard Order (CAN-TSO) design approval has been issued in respect of the GNSS receiver; or

(b) the GNSS receiver meets the performance requirements of Technical Standard Order TSO-C196a, Airborne Supplemental Navigation Sensors for Global Positioning System Equipment Using Aircraft-Based Augmentation, published by the Federal Aviation Administration of the United States.

**(4)** No person shall operate, in NAT-MNPS airspace, an aircraft operated by a private operator that is equipped only with short-range navigation equipment (VOR, DME, ADF), except on routes G3 or G11.

[SOR/2014-131, s. 18.]

### **604.56 RVSM Requirements**

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with reduced vertical separation minima (RVSM) unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RVSM;

(b) every flight crew member has received RVSM training, for which the validity period has not expired, in

(i) the floor, ceiling and horizontal boundaries of RVSM airspace,

(ii) rules on the exclusion of non-RVSM-compliant aircraft from the airspace,

(iii) the procedures to be followed by flight crew members with respect to

(A) pre-flight and in-flight altimeter checks,

(B) use of the automatic altitude control system,

- (C) items on the minimum equipment list,
  - (D) in-flight contingencies,
  - (E) weather deviation procedures,
  - (F) track offset procedures for wake turbulence,
  - (G) inconsequential collision-avoidance systems alerts, and
  - (H) pilot level-off call,
- (iv) procedures relating to non-RVSM-compliant aircraft required to carry out ferry flights, humanitarian flights or delivery flights, and
- (v) the use of an Airborne Collision Avoidance System (ACAS) and a Traffic Alert and Collision Avoidance System (TCAS);
- (c) the aircraft meets the following eligibility requirements set out in *Advisory Circular 91-85*, entitled *Authorization of Aircraft and Operators for Flight in Reduced Vertical Separation Minimum Airspace*, published by the Federal Aviation Administration of the United States:
- (i) in respect of aircraft performance, the requirements set out in paragraphs 8c(3), 8c(4), 8c(8), 8d and 10b(5)(d)6, and
  - (ii) in respect of aircraft equipment, the requirements set out in paragraphs 9a to 9d;
- (d) the private operator meets the aircraft continued airworthiness maintenance requirements set out in paragraphs 11d, 11e and 11g of the advisory circular referred to in paragraph (c); and
- (e) the aircraft is equipped with a navigation system that meets the requirements set out in paragraph 1.3.3, subparagraphs 1.3.4(a) and (b), and paragraph 1.3.5 of NAT Doc 007, entitled *Guidance Concerning Air Navigation In and Above the North Atlantic MNPS Airspace*, published by ICAO.

[SOR/2014-131, s. 18.]

### **604.57 RNP 10 Requirements**

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with required navigation performance 10 (RNP 10) requirements unless



(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNP 10 requirements;

(b) every flight crew member has received RNP 10 training, for which the validity period has not expired, in

- (i) flight planning requirements,
- (ii) navigation performance requirements,
- (iii) enroute procedures, and
- (iv) contingency procedures;

(c) the aircraft meets one of the following eligibility requirements:

- (i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNP 10 requirements,
- (ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNP 10 requirements, or
- (iii) the private operator has demonstrated to the Minister, using one of the data collection methods set out in Section 1.3.3.1.4.2 of Chapter 1 of Part B of Volume II of the PBN Manual, that the aircraft meets the navigational accuracy requirements for RNP 10;

(d) the aircraft is equipped with the navigation equipment referred to in Sections 1.3.4 and 1.3.6.1 of Chapter 1 of Part B of Volume II of the PBN Manual;

(e) the equipment referred to in paragraph (d) meets the standards, criteria and performance requirements set out in Sections 1.3.4.1, 1.3.4.2, 1.3.6.1 and 1.3.11 of Chapter 1 of Part B of Volume II of the PBN Manual; and

(f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in Sections 1.3.7, 1.3.8 and 1.3.9.2 to 1.3.9.9 of Chapter 1 of Part B of Volume II of the PBN Manual.

[SOR/2014-131, s. 18; SOR/2019-122, s. 9(F).]

## **604.58 RNP 4 Requirements**

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No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with required navigation performance 4 (RNP 4) requirements unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNP 4 requirements;

(b) every flight crew member has received the training referred to in paragraph 604.60(b), and the validity period for that training has not expired;

(c) the aircraft meets one of the following eligibility requirements:

(i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNP 4 requirements,

(ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNP 4 requirements, or

(iii) the private operator has demonstrated to the Minister that the aircraft meets the navigational accuracy requirements for RNP 4;

(d) the aircraft is equipped with the navigation equipment referred to in Sections 1.3.3.1 and 1.3.3.2 of Chapter 1 of Part C of Volume II of the PBN Manual;

(e) the equipment referred to in paragraph (d) meets the standards, criteria and functional requirements set out in Sections 1.3.3.4 to 1.3.3.7 of Chapter 1 of Part C of Volume II of the PBN Manual; and

(f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in Sections 1.3.4.2.1 to 1.3.4.4.4 and 1.3.6 of Chapter 1 of Part C of Volume II of the PBN Manual.

[SOR/2014-131, s. 18; SOR/2019-122, s. 10(F).]

### **604.59 RNAV 5 Requirements**

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with area navigation 5 (RNAV 5) requirements unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNAV 5 requirements;

(b) every flight crew member has received the training referred to in paragraph 604.60(b) and the validity period for that training has not expired;

(c) the aircraft meets one of the following eligibility requirements:

(i) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNAV 5 requirements,

(ii) the aircraft can be operated in accordance with another navigation standard with performance criteria that are equivalent to RNAV 5 requirements, or

(iii) the private operator has demonstrated to the Minister that the aircraft meets the navigational accuracy requirements for RNAV 5;

(d) the aircraft is equipped with at least one of the position sensors referred to in Section 2.3.3 of Chapter 2 of Part B of Volume II of the PBN Manual;

(e) the position sensors referred to in paragraph (d) meet the performance requirements, criteria and functional requirements set out in Sections 2.3.3.1 to 2.3.3.3 of Chapter 2 of Part B of Volume II of the PBN Manual; and

(f) the private operator applies the processes, practices and procedures relating to the duties and practices set out in Section 2.3.4 of Chapter 2 of Part B of Volume II of the PBN Manual.

[SOR/2014-131, s. 18; SOR/2019-122, s. 11(F).]

### **604.60 RNAV 1 and RNAV 2 Requirements**

No person shall file a flight plan indicating that an aircraft operated by a private operator can be operated in accordance with area navigation 1 (RNAV 1) or area navigation 2 (RNAV 2) requirements unless

(a) the private operator is authorized under a special authorization to operate the aircraft in accordance with RNAV 1 or RNAV 2 requirements;

(b) every flight crew member has received RNAV 1 or RNAV 2 training, for which the validity period has not expired, in

(i) pre-flight procedures for initialization, loading and verification of the area navigation

system,

- (ii) the normal operation of the area navigation system,
- (iii) the procedure for manually updating the position of the area navigation system,
- (iv) the method of monitoring and cross-checking the area navigation system,
- (v) the operation of the area navigation system in a compass unreliability area,
- (vi) malfunction procedures,
- (vii) terminal area procedures,
- (viii) waypoint symbology, plotting procedures and record-keeping duties and practices,
- (ix) timekeeping procedures,
- (x) post-flight performance checks,
- (xi) flight planning,
- (xii) navigation performance requirements,
- (xiii) enroute procedures, and
- (xiv) contingency procedures;

(c) the aircraft meets one of the following eligibility requirements:

- (i) the aircraft can be operated in accordance with precision area navigation (P-RNAV) requirements based on GNSS capability under an authorization issued by the competent authority of a contracting state,
- (ii) the aircraft can be operated in accordance with area navigation (RNAV) requirements based on DME/DME or DME/DME/IRU capability under an authorization issued by the Federal Aviation Administration of the United States, or
- (iii) the aircraft flight manual or the pilot operating handbook, or any equivalent document provided by the manufacturer of the avionics equipment or by the aircraft manufacturer, specifies that the aircraft can be operated in accordance with RNAV 1 or RNAV 2 requirements;

(d) the aircraft is equipped with at least one of the pieces of equipment referred to in

Section 3.3.3 of Chapter 3 of Part B of Volume II of the PBN Manual;

(e) the equipment referred to in paragraph (d) meets the performance requirements, criteria and functional requirements set out in Sections 3.3.3.1 to 3.3.3.2.1.1 and 3.3.3.2.1.3 to 3.3.3.3 of Chapter 3 of Part B of Volume II of the PBN Manual;

(f) every flight crew member has demonstrated to the Minister the ability to operate the aircraft in accordance with this Section; and

(g) the private operator applies the processes, practices and procedures relating to the duties and practices set out in Sections 3.3.3.2.1.2, 3.3.4.2 to 3.3.4.6 and 3.3.6 of Chapter 3 of Part B of Volume II of the PBN Manual.

[SOR/2014-131, s. 18; SOR/2019-122, s. 12(F).]

### **604.61 to 604.73 Reserved**

### **604.74 Other Activities Approved by the Minister**

**(1)** The Minister shall establish requirements in respect of an activity that is not set out in Sections 604.48 to 604.60 and in respect of which a special authorization may be issued if

(a) the activity is subject to

(i) operational and technical requirements established by ICAO or by the civil aviation authority of a foreign state, or

(ii) a submission to the Minister, by a private operator, an air operator or a third party, that establishes operational and technical requirements and risk mitigation measures based on an analysis of aviation-safety-related hazards;

(b) in the case referred to in subparagraph (a)(i), the operational and technical requirements are necessary for the conduct of flights abroad or in Canada by private operators, and those flights can be conducted in a safe manner; and

(c) in the case referred to in subparagraph (a)(ii), the operational and technical requirements and risk mitigation measures ensure the safety of the flights conducted by private operators and will not have an adverse effect on aviation safety.

**(2)** If the Minister establishes requirements in respect of an activity referred to in subsection (1), no person shall, in an aircraft operated by a private operator, carry out the activity unless

(a) the private operator is authorized to carry out the activity under a special authorization;

(b) every flight crew member has received, if applicable, the training specified by the Minister under subsection (3) in respect of the activity, and the validity period for that training has not expired; and

(c) every flight crew member has demonstrated to the Minister the ability to carry out the activity in accordance with the operational and technical requirements referred to in subparagraph (1)(a)(i) or (ii), as applicable, and to take the measures that are necessary to manage or mitigate the risks associated with that activity.

**(3)** The Minister shall specify training in respect of an activity referred to in subsection (1) taking into account

(a) any training that is recommended by the civil aviation authority of a foreign state or by ICAO in respect of the activity;

(b) the risks and hazards associated with the activity with respect to the safety of the aircraft, persons or property; and

(c) the level of safety required by the activity.

[SOR/2014-131, s. 18.]

## **604.75 to 604.80 Reserved**

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### **Division V - Flight Operations - Passengers**

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#### **604.81 Reserved**

[Effective 2015/08/01 - Previous Version Dated 2014/05/29]

[SOR/2015-127, s. 11]

#### **604.82 Cabin Safety**

**(1)** No person shall conduct a take-off in an aircraft that is operated by a private operator and that has passengers on board, move the aircraft on the surface or direct that the aircraft be moved unless

(a) safety belts are adjusted and fastened in accordance with paragraph 605.26(1)(a), infants are held in accordance with paragraph 605.26(1)(b), and persons using child restraint systems are secured in accordance with paragraph 605.26(1)(c);

(b) subject to subsection (5), seat backs are secured in the upright position;

(c) chair tables are stowed;

(d) carry-on baggage is stowed; and

(e) no seat located at an emergency exit is occupied by a passenger - including a passenger who has not been informed as to how that exit operates - whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation.

**(2)** No person shall conduct a landing in an aircraft operated by a private operator unless

(a) passengers have been directed to

(i) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c),

(ii) subject to subsection (5), secure their seat backs in the upright position,

(iii) stow their chair tables, and

(iv) stow their carry-on baggage; and

(b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, the passenger has been directed to move to another seat.

**(3)** The pilot-in-command of an aircraft operated by a private operator shall, in the event of an emergency and if time and circumstances permit,

(a) direct passengers to

(i) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c),

(ii) subject to subsection (5), secure their seat backs in the upright position,

(iii) stow their chair tables,

(iv) stow their carry-on baggage,

(v) review the safety features card and assume the brace position until the aircraft stops moving, and

(vi) in the event of an emergency over water, don their life preservers; and

(b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, direct the passenger to move to another seat.

**(4)** The pilot-in-command of an aircraft operated by a private operator shall, if the “fasten safety belt” sign is turned on during the flight, direct passengers to

(a) adjust and fasten their safety belts in accordance with paragraph 605.26(1)(a), hold infants in accordance with paragraph 605.26(1)(b), and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c); and

(b) stow their carry-on baggage.

**(5)** The seat of a passenger who is certified by a physician as unable to sit upright may remain in the reclining position during movement on the surface, take-off and landing if

(a) the passenger is not seated in a location that would restrict the evacuation of the aircraft;

(b) the passenger is not seated in a row that is next to or immediately in front of an emergency exit; and

(c) the seat immediately behind the passenger’s seat is vacant.

[SOR/2014-131, s. 18.]

### **604.83 Fuelling with Passengers on Board**

**(1)** No person operating an aircraft operated by a private operator shall permit the fuelling of the aircraft while passengers are on board or are embarking or disembarking, unless

(a) in order for persons on board the aircraft to be notified promptly of a situation that could threaten their safety, two-way communication is maintained between the ground personnel supervising the fuelling and a person on board the aircraft who has received training in emergency evacuation procedures for that aircraft type;

(b) no ground power generator or other electrical ground power supply is being connected to or disconnected from the aircraft;



- (c) no combustion heater installed on the aircraft is being used;
- (d) every combustion heater used in the vicinity of the aircraft has a marking, applied by the manufacturer, indicating that the heater is manufactured to Canadian Standards Association (CSA) or Underwriters Laboratories of Canada (ULC) standards;
- (e) no high-energy-emitting equipment, including highfrequency radios and airborne weather radar, is being operated unless the aircraft flight manual contains procedures for its use during fuelling and those procedures are followed;
- (f) no aircraft battery is being removed or being installed;
- (g) no external battery charger is being operated or is being connected to or disconnected from an aircraft battery;
- (h) no auxiliary power unit having an efflux that discharges into the fuelling safety zone is started after filler caps are removed or fuelling connections are made;
- (i) no auxiliary power unit that is stopped is restarted until the flow of fuel has ceased, unless the aircraft flight manual establishes procedures for restarting the unit during fuelling and those procedures are followed;
- (j) no tool that is likely to produce a spark or electric arc is being used;
- (k) no photographic equipment is being used within the fuelling safety zone;
- (l) the fuelling is suspended if there is a lightning discharge within eight kilometres of the aerodrome;
- (m) the fuelling is carried out in accordance with the aircraft manufacturer's instructions;
- (n) the aircraft emergency lighting system, if any, is armed or on;
- (o) "no smoking" signs, if any, on board the aircraft are illuminated;
- (p) no passenger is smoking or otherwise producing a source of ignition;
- (q) two exits, one of which is the door through which passengers embarked, are free of obstruction and are available for immediate use by passengers and crew members in the event of an evacuation;
- (r) the escape route from each of the exits referred to in paragraph (q) is free of obstruction and is available for immediate use by passengers and crew members in the event of an

evacuation;

(s) a person who is authorized by the private operator to suspend fuelling is on board the aircraft and is ready to direct the suspension of fuelling if a requirement of this subsection ceases to be met;

(t) a means of evacuation is in place at the door used for the embarkation or disembarkation of passengers, is free of obstruction and is available for immediate use by passengers and crew members;

(u) the person on board the aircraft who has received the training referred to in paragraph (a) is ready to initiate and oversee an evacuation and is at or near the door referred to in paragraph (v); and

(v) the embarkation door is open, unless

(i) a crew member determines that, for climatic reasons, it is desirable to close it,

(ii) a crew member is on board the aircraft, and

(iii) the door

(A) opens inward or can be fully opened to the exterior without the need to reposition the loading stairs or stand,

(B) is latched, if that is necessary in order to keep it closed, and

(C) is not locked.

**(2)** The person who is authorized by the private operator to suspend fuelling shall direct the suspension of fuelling if a requirement of subsection (1) ceases to be met.

**(3)** For the purposes of subsection (1), “fuelling safety zone” means an area that extends three metres (10 feet) radially from the filling and venting points on the aircraft and from the fuelling equipment.

[SOR/2014-131, s. 18; SOR/2019-122, s. 13(F).]

### **604.84 Fuelling with Passengers on Board and an Engine Running**

**(1)** Despite Section 602.09, a person operating an aircraft operated by a private operator may permit the fuelling of the aircraft while an engine used for the propulsion of the aircraft is running and passengers are on board or are embarking or disembarking, if

- (a) the requirements set out in subsection 604.83(1) are met;
- (b) the aircraft flight manual indicates that the engine that is running may be used as an auxiliary power unit; and
- (c) the engine that is running has a propeller brake and that brake is set.

**(2)** The person who is authorized by the private operator to suspend fuelling shall direct the suspension of fuelling if a requirement of subsection (1) ceases to be met.

[SOR/2014-131, s. 18.]

### **604.85 Briefing of Passengers**

**(1)** Despite Section 602.89, no person shall conduct a take-off in an aircraft operated by a private operator unless passengers are given a safety briefing - orally by a crew member, or by audio or audiovisual means - that contains the following information:

- (a) when and where carry-on baggage is to be stowed;
- (b) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses;
- (c) when seat backs are to be secured in the upright position and chair tables are to be stowed;
- (d) the location of emergency exits and, in the case of a passenger seated next to such an exit, how that exit operates;
- (e) the requirement to comply with the instructions given by crew members and with the “fasten safety belt” and “no smoking” signs, and the location of those signs;
- (f) the location and operation of the passenger oxygen system, if any, including
  - (i) the actions to be performed by a passenger in order to
    - (A) obtain a mask,
    - (B) activate the flow of oxygen, and
    - (C) don and secure the mask, and
  - (ii) the recommendation that a passenger don and secure the passenger’s own mask before assisting another passenger with his or her mask;

(g) the use of life preservers, including how to remove them from their packaging, how to don them and when to inflate them;

(h) when and where smoking is prohibited;

(i) the location of the emergency equipment required under Sections 602.62, 602.63, 604.116 and 604.117, and how to access that equipment;

(j) the portable electronic devices that may be used, and when they may be used; and

(k) the location and purpose of the safety features card.

**(2)** Despite subsection (1), a person may conduct a take-off in an aircraft operated by a private operator without a safety briefing being given to the passengers if

(a) the flight is the second or subsequent flight in a series of flights;

(b) no additional passengers have embarked on board the aircraft; and

(c) a crew member has verified that

(i) carry-on baggage is stowed,

(ii) safety belts and, if any, shoulder harnesses are properly adjusted and securely fastened,

(iii) seat backs are secured in the upright position, and

(iv) chair tables are stowed.

**(3)** Despite subsection (1), a person may conduct a take-off in an aircraft operated by a private operator without a safety briefing being given to the passengers if each passenger on board the aircraft has, within the 12 months preceding the date of the take-off, received the information referred to in subsection (1) and training in the performance of the following actions:

(a) fastening, adjusting and releasing safety belts and, if any, shoulder harnesses;

(b) operating each type of floor-level exit and window emergency exit;

(c) identifying the location of the passenger oxygen system, if any, and performing the actions necessary in order to

(i) obtain a mask,

(ii) activate the flow of oxygen, and

(iii) don and secure the mask;

(d) identifying the location of life preservers, if any, removing them from their packaging, donning them and inflating them; and

(e) identifying the location of the emergency equipment required by Sections 602.62, 602.63, 604.116 and 604.117 and accessing that equipment.

**(4)** A private operator shall record the name of every passenger who receives the training referred to in subsection (3) and the date on which the training is received. The private operator shall retain the record for two years after the day on which the most recent entry was made.

**(5)** If the safety briefing referred to in subsection (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because the passenger is responsible for another person on board the aircraft, the passenger shall, subject to subsection (6), be given a safety briefing that consists of

(a) communication of the elements of the safety briefing referred to in subsection (1) that

(i) the passenger is not able to receive either during that briefing or by referring to the safety features card, and

(ii) are necessary for the safety of the persons on board the aircraft;

(b) communication of

(i) the most appropriate brace position for the passenger, given the passenger's condition, injury or stature and the orientation and pitch of his or her seat, and

(ii) where the passenger's service animal, if any, is to be located;

(c) in the case of a mobility-impaired passenger who would require assistance in order to move to an exit in the event of an emergency, communication of

(i) the most appropriate exit for the passenger,

(ii) the assistance that the passenger would require to reach that exit,

(iii) the most appropriate means of providing that assistance,

- (iv) the most appropriate route to that exit, and
- (v) the most appropriate time to begin to move to that exit;
- (d) in the case of a visually impaired passenger,
  - (i) a tactile familiarization with
    - (A) the equipment that the passenger may be required to use in the event of an emergency, and
    - (B) if requested, the exits, and
  - (ii) communication of
    - (A) where the passenger's cane, if any, is to be stored,
    - (B) the number of rows of seats separating the passenger's seat from the closest exit and from the alternate exit, and
    - (C) the features of those exits;
- (e) in the case of a passenger who is responsible for another person on board the aircraft, communication of
  - (i) if the passenger is responsible for an infant,
    - (A) the requirement to fasten the passenger's safety belt and, if any, the passenger's shoulder harness and not to secure the infant in that safety belt or shoulder harness,
    - (B) how to hold the infant during take-off and landing,
    - (C) how to use the child restraint system, if any,
    - (D) how to place and secure the oxygen mask on the infant's face,
    - (E) the most appropriate brace position for the passenger, and
    - (F) the location of the infant's life preserver, how to remove it from its location and its packaging, how to assist the infant with donning it and when to inflate it, and
  - (ii) if the passenger is responsible for a person, other than an infant,

- (A) how to assist that person with donning and securing his or her oxygen mask, and
  - (B) how to use that person's personal restraint system, if any, on board the aircraft;
- and

(f) in the case of an unaccompanied minor, communication of the need to pay close attention to the safety briefing.

**(6)** A passenger may decline the safety briefing referred to in subsection (5).

**(7)** No person shall permit passengers to disembark from an aircraft operated by a private operator unless the passengers are given a safety briefing - orally by a crew member, or by audio or audiovisual means - that contains the following information:

- (a) the safest route for passengers to take in order to move away from the aircraft; and
- (b) the hazards, if any, associated with the aircraft, including the location of Pitot tubes, propellers, rotors and engine intakes.

[Effective 2019/05/29 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-122, s. 14.]

### **604.86 Safety Features Card**

**(1)** Subject to subsection (2), a private operator shall, before passengers on board an aircraft are given the safety briefing referred to in subsection 604.85(1), provide each passenger at his or her seat with a safety features card that shows the aircraft type and that contains safety information only in respect of the aircraft, including

- (a) in the case of an aircraft configured for 19 or fewer passenger seats,
  - (i) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses,
  - (ii) the passenger brace position
    - (A) for each type of seat and passenger restraint system, and
    - (B) for a passenger who is holding an infant, and
  - (iii) the location, operation and use of each emergency exit, including whether it is unusable in a ditching because of the aircraft configuration,

- (iv) the location and operation of the passenger oxygen system, if any, including
    - (A) a description of the masks and their use,
    - (B) the actions to be performed by a passenger in order to
      - (I) obtain a mask,
      - (II) activate the flow of oxygen, and
      - (III) don and secure the mask, and
    - (C) the recommendation that a passenger don and secure the passenger's own mask before assisting another passenger with his or her mask,
  - (v) the location of life preservers, how they are to be removed from their packaging, how they are to be donned by adults, by children aged two years or older and by infants, and when they are to be inflated,
  - (vi) when and where smoking is prohibited, and
  - (vii) the location, removal and use of flotation devices and, if any, life rafts; and
  - (b) in the case of an aircraft configured for more than 19 passenger seats,
    - (i) the information set out in subparagraphs (a)(i) to (vii),
    - (ii) when and where carry-on baggage is to be stowed,
    - (iii) the positioning of seats, securing of seat backs in the upright position and stowage of chair tables for take-off and landing,
    - (iv) the form, function, colour and location of the floor proximity emergency escape path markings, if any,
    - (v) the safest route for passengers to take in order to move away from the aircraft in the event of an emergency, and
    - (vi) the attitude of the aircraft while floating, as determined by the aircraft manufacturer.
- (2)** If a flight attendant is not required on board an aircraft, the safety features card referred to in subsection (1) shall also contain the information on the location of the emergency equipment



required under Sections 604.116, 604.117 and 604.119 and how to access that equipment.

[Effective 2019/05/29 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-122, s. 15.]

## **604.87 to 604.97 Reserved**

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### **Division VI - Flight Time and Flight Duty Period**

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[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2018-269, s. 18]

#### **604.98 Flight Time Limits**

**(1)** No private operator shall assign flight time to a flight crew member, and no flight crew member shall accept such an assignment, if the flight crew member's total flight time in all flights conducted under this Subpart, Part IV or Part VII would, as a result, exceed

(a) 1,200 hours in a period of 12 consecutive months;

(b) 300 hours in a period of 90 consecutive days;

(c) 120 hours in a period of 30 consecutive days; or

(d) 8 hours in a period of 24 consecutive hours, if the assignment is for a single-pilot IFR flight.

**(2)** If a flight crew's flight duty period is extended under Section 604.101, each flight crew member accumulates, for the purposes of subsection (1), the total flight time for the flight or the total flight time for the series of flights, as the case may be.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

#### **604.99 Flight Duty Period Limits and Rest Periods**

[SOR/2018-269, s. 18]

**(1)** Subject to Sections 604.100 to 604.102, no private operator shall assign flight duty period to a flight crew member, and no flight crew member shall accept such an assignment, if the flight crew member's flight duty period would, as a result, exceed

(a) 14 consecutive hours in a period of 24 consecutive hours; or

(b) 15 consecutive hours in a period of 24 consecutive hours, if

(i) the flight crew member's total flight duty period in the previous 30 consecutive days does not exceed 70 hours, or

(ii) the rest period before the flight is at least 24 hours.

**(2)** A private operator shall ensure that, prior to reporting for flight duty, a flight crew member is provided with the minimum rest period and with any additional rest period required by this Division.

**(3)** A flight crew member shall use the following periods to be adequately rested prior to reporting for flight duty:

(a) the minimum rest period provided under subsection (2);

(b) any additional rest period required by this Division; and

(c) any period with no assigned duties provided under Section 604.104.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

### **604.100 Split Flight Duty Period**

[SOR/2018-269, s. 18]

Flight duty period may be extended by one half of the length of the rest period, to a maximum of four hours, if

(a) before a flight crew member reports for the first flight or reports as a flight crew member on standby, as the case may be, the private operator provides the flight crew member with notice of the extension of the flight duty period;

(b) the private operator provides the flight crew member with a rest period of at least four consecutive hours in suitable accommodation; and

(c) the flight crew member's next minimum rest period is increased by an amount of time at least equal to the length of the extension of the flight duty period.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, ss. 8(F), 18.]

### **604.101 Extension of Flight Duty Period**

[SOR/2018-269, s. 18]

If a flight crew is augmented by at least one flight crew member, if there is a balanced distribution of flight deck duty time and rest periods among the flight crew members, and if the next minimum rest period is at least equal to the length of the preceding flight duty period, the flight crew's flight duty period may be extended

(a) to 17 hours with a maximum flight deck duty time of 12 hours, if a flight relief facility - seat is provided; and

(b) to 20 hours with a maximum flight deck duty time of 14 hours, if a flight relief facility - bunk is provided.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

### **604.102 Unforeseen Operational Circumstances**

**(1)** Flight duty period may be extended by up to three hours if

(a) the pilot-in-command, after consultation with the other flight crew members, considers it safe to do so;

(b) the flight duty period is extended as a result of an unforeseen operational circumstance that occurs after the beginning of the flight duty period;

(c) the next minimum rest period is extended by an amount of time that is at least equal to the length of the extension of the flight duty period; and

(d) the pilot-in-command notifies the private operator of the unforeseen operational circumstances and of the length of the extension of the flight duty period.

**(2)** The private operator shall retain a copy of the notification for five years.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, ss. 9, 18.]

### **604.103 Delayed Reporting Time**

When a private operator delays a flight crew member's reporting time by more than three hours, the flight crew member's flight duty period is considered to start three hours after the original reporting time if the private operator notifies the flight crew member of the delay

(a) within 12 hours before the original reporting time; and

(b) at least one hour before the flight crew member leaves a rest facility.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

#### **604.104 Time with no Assigned Duties**

No private operator shall assign duties to a flight crew member, and no flight crew member shall accept those duties, unless the private operator provides the flight crew member with one of the following periods with no assigned duties:

(a) at least 36 consecutive hours in a period of seven consecutive days; or

(b) at least three consecutive calendar days in a period of 17 consecutive days.

[SOR/2014-131, s. 18.]

#### **604.105 Rest Period - Flight Crew Member Positioning**

If a flight crew member is required by a private operator to travel for the purpose of positioning after the completion of flight duty period, the private operator shall provide the flight crew member with an additional rest period that is at least equal to one half of the time spent for that purpose that is in excess of the flight duty period referred to in paragraphs 604.99(1)(a) and (b).

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

#### **604.106 Controlled Rest on the Flight Deck**

**(1)** No private operator shall allow a flight crew member to take a controlled rest on the flight deck of an aircraft operated by the private operator unless

(a) the private operator has a controlled-rest-on-the-flight-deck program that includes the following elements:

(i) guidelines on the use of controlled rest, including the factors allowing or preventing its use,

(ii) the general principles relating to fatigue and fatigue countermeasures, and

(iii) the procedures to be followed by participating crew members before, during and after a controlled rest; and

(b) every participating crew member has received training relating to the elements of the

controlled-rest-on-the-flight-deck program.

**(2)** The pilot-in-command of an aircraft operated by a private operator shall determine whether the flight conditions, the duration of the flight and the physiological condition of the crew members allow a controlled rest on the flight deck to be taken by a flight crew member.

**(3)** The pilot-in-command of an aircraft operated by a private operator shall give participating crew members a briefing that includes the following elements:

(a) the order in which the periods of controlled rest are to be taken by the flight crew members;

(b) the planned duration of each period of controlled rest;

(c) the circumstances under which a resting flight crew member is to be woken;

(d) the procedures for the transfer of flight controls and duties; and

(e) flight attendant duties in relation to a controlled rest.

**(4)** The flight crew members on board an aircraft operated by a private operator shall

(a) prior to each controlled rest on the flight deck,

(i) participate in an operational briefing,

(ii) carry out the transfer of duties, and

(iii) inform the flight attendants of the controlled rest; and

(b) remain on the flight deck during the controlled rest.

**(5)** The flight crew member who supervises a controlled rest on the flight deck of an aircraft operated by a private operator shall, during the controlled rest,

(a) perform the duties of the resting flight crew member;

(b) ensure that the controlled rest is taken only during the cruise portion of the flight and is completed at least 30 minutes before top of descent;

(c) ensure that the period of controlled rest is of no more than 45 minutes in duration;

(d) ensure that the resting flight crew member is awake for at least 15 minutes before the

resumption of duties, except in abnormal or emergency conditions; and

(e) after the completion of the controlled rest, give an operational briefing to the flight crew member who has taken the controlled rest.

**(6)** For the purposes of this Section, “participating crew member” means the resting flight crew member and the flight crew member who supervises the controlled rest on the flight deck.

[SOR/2014-131, s. 18; SOR/2019-122, s. 16(F).]

## **604.107 to 604.115 Reserved**

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### **Division VII - Emergency Equipment**

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#### **604.116 Survival Equipment**

**(1)** No person shall operate an aircraft operated by a private operator, other than an aircraft referred to in subsection 602.61(2), unless a survival manual is carried on board that contains information about how to use the survival equipment that is carried on board to meet the requirements of subsection 602.61(1).

**(2)** No person shall operate an aircraft operated by a private operator on board of which life rafts are required to be carried in accordance with Section 602.63 unless the survival kit referred to in paragraph 602.63(6)(c) contains

(a) a life raft repair kit;

(b) a bailing bucket and a sponge;

(c) a whistle;

(d) a waterproof flashlight;

(e) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person;

(f) a waterproof survival manual that contains information about how to use the survival equipment;

(g) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and

motion sickness pills; and

(h) a pyrotechnic signalling device, or an aviation visual distress signal that has a marking applied by the manufacturer indicating that the signal meets the requirements of CAN-TSO-C168, a signalling mirror and a dye marker for visually signalling distress.

**(3)** Despite subsection (2), if there is insufficient space in the attached survival kit, a supplemental survival kit shall be stowed adjacent to each required life raft and contain

(a) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person; and

(b) motion sickness pills.

[Effective 2020/12/09 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2020-253, s. 5.]

#### **604.117 First Aid Kits**

**(1)** No person shall conduct a take-off in an aircraft operated by a private operator that is configured as follows unless, for the purposes of paragraph 602.60(1)(h), the corresponding number of first aid kits is carried on board and each kit contains the supplies and equipment set out in the *Aviation Occupational Health and Safety Regulations*:

(a) configured for 0 to 50 passenger seats, one kit;

(b) configured for 51 to 150 passenger seats, two kits;

(c) configured for 151 to 250 passenger seats, three kits; and

(d) configured for 251 or more passenger seats, four kits.

**(2)** No person shall conduct a take-off in an aircraft operated by a private operator unless

(a) the first aid kits referred to in subsection (1) are distributed throughout the cabin and are readily available to crew members and passengers;

(b) each first aid kit is clearly identified; and

(c) if a first aid kit is stowed in a bin or compartment, the bin or compartment is clearly marked as containing a first aid kit.

[Effective 2020/12/09 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2020-253, s. 6.]

### **604.118 Protective Breathing Equipment**

**(1)** No person shall conduct a take-off in a pressurized aircraft operated by a private operator that has flight attendants on board unless one unit of protective breathing equipment with a 15-minute portable supply of breathing gas at a pressure-altitude of 8,000 feet is available

(a) at the entry into each Class A, B, E and F cargo compartment accessible to crew members during flight;

(b) at the site of each hand-held fire extinguisher that is located in an isolated galley;

(c) on the flight deck; and

(d) at the site of each hand-held fire extinguisher that is required under Section 604.119.

**(2)** If the breathing gas in the protective breathing equipment referred to in subsection (1) is oxygen, each unit of that equipment reduces by 15 minutes the crew member oxygen requirements specified in subsection 605.31(2).

[SOR/2014-131, s. 18.]

### **604.119 Hand-held Fire Extinguishers**

No person shall conduct a take-off in an aircraft operated by a private operator unless

(a) hand-held fire extinguishers are available as follows:

(i) extinguishers are distributed, in every passenger compartment configured as follows, in the numbers indicated:

(A) in a passenger compartment configured for fewer than 20 passenger seats, one extinguisher,

(B) in a passenger compartment configured for 20 to 60 passenger seats, two extinguishers,

(C) in a passenger compartment configured for 61 to 200 passenger seats, three extinguishers, and

(D) in a passenger compartment configured for 201 or more passenger seats, one additional extinguisher for each additional unit of 100 passenger seats,



(ii) one extinguisher is located at the entrance to each Class E cargo compartment that is accessible to crew members during flight, and

(iii) one extinguisher is located in each isolated galley; and

(b) if a hand-held fire extinguisher is stowed in a bin or compartment, the bin or compartment is clearly marked as containing a fire extinguisher.

[SOR/2014-131, s. 18.]

### **604.120 to 604.125 Reserved**

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## **Division VIII - Maintenance**

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### **604.126 Maintenance Manager**

The maintenance manager is responsible and accountable for the maintenance control system.

[SOR/2014-131, s. 18.]

### **604.127 Maintenance Control System**

A private operator shall have, in respect of its aircraft, a maintenance control system that includes

(a) in the case of a private operator who provides the parts and materials that will be used in the performance of maintenance or elementary work, procedures to ensure that only parts and materials that meet the requirements of Subpart 71 of Part V are used, including

(i) the details of part pooling arrangements, if any, that have been entered into by the private operator, and

(ii) procedures used for the inspection and storage of incoming parts and materials;

(b) if the private operator authorizes, for the performance of elementary work, the use of methods, techniques, practices, parts, materials, tools, equipment or test apparatuses referred to in paragraph 571.02(1)(b) or (c), the source of those methods, techniques, practices, parts, materials, tools, equipment or test apparatuses and a general description of the elementary work;

(c) procedures to ensure that the persons who perform maintenance, elementary work or servicing are authorized to do so under Section 604.128;

- (d) procedures to ensure that an aircraft is not returned to service unless it is
  - (i) airworthy, and
  - (ii) equipped, configured and maintained for its intended use;
- (e) a description of the defect reporting and control procedures required by Section 604.129;
- (f) the aircraft service information review procedures required by Section 604.131;
- (g) procedures to ensure that the records referred to in Section 604.132 are established and retained in accordance with that Section;
- (h) procedures to ensure that the tasks required by a maintenance schedule or by an airworthiness directive are completed in accordance with Subpart 5 of Part VI;
- (i) procedures to ensure that the particulars relating to aircraft empty weight and empty centre of gravity are entered in accordance with the requirements of Item 2 of Schedule I to Subpart 5 of Part VI;
- (j) a general description of the maintenance schedule required under paragraph 605.86(1)(a) and, in the case of a turbinepowered pressurized aeroplane or a large aeroplane, the approval number of the maintenance schedule approved under subsection 605.86(2); and
- (k) details of the methods used to record the maintenance, elementary work or servicing performed and to ensure that any defects are recorded in the technical records that are required to be kept under subsection 605.92(1).

[Effective 2019/05/29 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-122, s. 17.]

### **604.128 Maintenance, Elementary Work and Servicing**

**(1)** No private operator shall authorize a person to perform maintenance or elementary work on any of its aircraft unless

- (a) the person
  - (i) has received the training referred to in subsection 604.182(1), and
  - (ii) in the case of elementary work, has performed that work at least once under the

supervision of the holder of an aircraft maintenance engineer (AME) licence or the holder of an approved training organization certificate; or

(b) the person is authorized to do so under a written agreement that

(i) describes the maintenance or elementary work to be performed, including the specific tasks and activities and the conditions under which they are to be performed, and

(ii) provides that the private operator is responsible for ensuring that the maintenance or elementary work is performed.

(2) If a member of the private operator's personnel performs servicing on any of the private operator's aircraft, the private operator shall ensure that the member meets the training requirements set out in subsection 604.182(2).

(3) A private operator shall retain a copy of the written agreement referred to in paragraph (1)(b) for two years after the day on which the agreement comes into force.

[SOR/2014-131, s. 18.]

### **604.129 Defect Reporting and Control Procedures**

A private operator shall have procedures to ensure that

(a) aircraft defects are recorded in accordance with subsection 605.94(1);

(b) aircraft defects are rectified in accordance with the requirements of Subpart 5 of Part VI;

(c) an aircraft defect that occurs three times within 15 flights is identified and is reported as a recurring defect to the flight crew and maintenance personnel in order to avoid the repetition of unsuccessful attempts at rectification; and

(d) an aircraft defect, the rectification of which has been deferred, is scheduled for rectification.

[SOR/2014-131, s. 18.]

### **604.130 Service Difficulty Reporting**

A private operator shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V, any service difficulty related to the aircraft that it operates under this Subpart.

[SOR/2014-131, s. 18.]

### **604.131 Aircraft Service Information Review**

A private operator shall have procedures to ensure that

- (a) it is aware of the aircraft service information that the holder of a design approval document produces in respect of the aeronautical products used by the private operator;
- (b) the aircraft service information is assessed, and the results of the assessment are signed and dated by the maintenance manager and retained for six years; and
- (c) the maintenance schedule or any other procedure is, if necessary, amended in response to the assessment.

[SOR/2014-131, s. 18.]

### **604.132 Personnel Records**

**(1)** A private operator shall have for its personnel a record that includes the following information:

- (a) the name of any person authorized under Section 571.11 to sign a maintenance release under Section 571.10; and
- (b) the name of any person who has performed elementary work in accordance with subparagraph 604.128(1)(a)(ii).

**(2)** The private operator shall retain the record for two years after the day on which it was last updated.

[SOR/2014-131, s. 18.]

### **604.133 to 604.138 Reserved**

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## **Division IX - Personnel Requirements**

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### **604.139 Validity Periods**

**(1)** Subject to subsections (2) and (3), for the purposes of this Division and Division IV, the validity period of any training, any competency check or any pilot proficiency check expires on

- (a) in the case of training in the performance of the emergency procedures referred to in subsection 604.169(2) and in subparagraphs 604.179(z)(viii) and (ix), and the high altitude

indoctrination training referred to in Section 604.176, the first day of the thirty-seventh month after the month in which the training was completed;

(b) in the case of all other training, the first day of the thirteenth month after the month in which the training was completed; and

(c) in the case of a competency check or pilot proficiency check, the first day of the twenty-fifth month after the month in which the competency check or pilot proficiency check was successfully completed.

**(2)** If any training, competency check or pilot proficiency check is renewed within the last 90 days of its validity period, its validity period is extended by

(a) 36 months, in the case of training in the performance of the emergency procedures referred to in subsection 604.169(2) and in subparagraphs 604.179(z)(viii) and (ix), and the high altitude indoctrination training referred to in Section 604.176;

(b) 12 months, in the case of all other training; and

(c) 24 months, in the case of a competency check or pilot proficiency check.

**(3)** The Minister shall extend the validity period of any training, competency check or pilot proficiency check for a period of not more than 60 days beginning on the day after the day on which the validity period expires, if

(a) the application for extension is made during the validity period; and

(b) the applicant demonstrates that there has been no reasonable opportunity to renew the training, competency check or pilot proficiency check within the 90 days before the day on which the training, competency check or pilot proficiency check would otherwise expire.

[SOR/2014-131, s. 18.]

### **604.140 Equivalencies**

**(1)** A person who will act as a crew member for a private operator, and who has received crew member training under the ground and flight training program of an air operator or under the training program of another private operator, may use that training to meet an equivalent training requirement set out in this Subpart if

(a) the training received by the person is in respect of the aircraft type that the person will operate and the private operator's area of operation;

(b) the validity period, if any, of that training has not expired; and

(c) the private operator provides the person with training in

(i) the processes, practices and procedures set out in the private operator's operations manual, and

(ii) the private operator's emergency procedures for the aircraft in respect of which the person will be assigned duties.

**(2)** A person who will act as a flight crew member for a private operator, and who has successfully completed a pilot proficiency check with an air operator or a competency check with another private operator, meets the requirements of paragraph 604.143(1)(e) if

(a) the pilot proficiency check or competency check was conducted using an aircraft of the same type that the person will operate;

(b) the validity period of the pilot proficiency check or competency check has not expired; and

(c) the private operator provides the person with training in respect of

(i) the processes, practices and procedures set out in the private operator's operations manual,

(ii) any differences between the equipment that is installed on the aircraft operated by the private operator and the equipment that is installed on the aircraft operated by the air operator or the other private operator, and

(iii) any differences between the private operator's operational procedures and those of the air operator or the other private operator.

[SOR/2014-131, s. 18.]

### **604.141 Operations Manager Qualifications and Responsibilities**

**(1)** No private operator shall permit a person to act - and no person shall act - as the operations manager unless

(a) the person

(i) holds, or has held, the licence and ratings required by Part IV to act as a pilot-in-command on an aircraft operated by the private operator, or

(ii) has acquired at least three years of supervisory experience with a private operator or air operator whose operations and activities are of a size, nature and complexity that correspond to the size, nature and complexity of the operations and activities of the private operator; and

(b) the person has demonstrated to the private operator knowledge of

(i) the content of the private operator's operations manual, and

(ii) the provisions of this Subpart and of any other applicable laws, regulations or standards that ensure the safety of the private operator's operations or affect the person's responsibilities.

**(2)** The operations manager is responsible for the operational control of the private operator's operations and shall

(a) coordinate the activities that affect operational control, including activities relating to

(i) maintenance,

(ii) crew members' schedules,

(iii) load control, and

(iv) aircraft operation schedules;

(b) implement the private operator's policies and procedures to ensure that the private operator's operations meet the requirements of this Subpart;

(c) if the operations manager receives aeronautical information that indicates a risk to the safety of a flight, ensure that corrective actions are taken to manage or mitigate the risk;

(d) ensure the dissemination of aircraft safety information to the private operator's personnel; and

(e) implement the emergency response procedures referred to in paragraph 604.203(1)(e).

[SOR/2014-131, s. 18; SOR/2019-122, s. 18(F).]

### **604.142 Chief Pilot Qualifications, Training and Responsibilities**

**(1)** No private operator shall permit a person to act - and no person shall act - as a chief pilot unless

(a) the person meets the requirements of paragraphs 604.143(1)(a), (b), (d) and (e) for acting as pilot-in-command on an aircraft operated by the private operator; and

(b) the person has demonstrated to the private operator knowledge of

(i) the content of the private operator's operations manual, and

(ii) the provisions of this Subpart and of any other applicable laws, regulations or standards that ensure the safety of the private operator's operations or affect the person's responsibilities.

**(2)** The chief pilot is responsible for the flight crew members involved in the private operator's operations and shall

(a) develop standard operating procedures in respect of aircraft operated by the private operator;

(b) verify whether the aerodromes and routes for aircraft used by the private operator are suitable for aircraft operated by the private operator;

(c) ensure that the operational requirements of the aerodromes and routes used by the private operator are met; and

(d) process any flight crew member reports and take any necessary follow-up action.

[SOR/2014-131, s. 18.]

### **604.143 Flight Crew Member Qualifications and Training**

**(1)** No private operator shall permit a person to act - and no person shall act - as a pilot-in-command or second-in-command unless

(a) the person holds the licence, ratings and medical certificate required by Part IV;

(b) in the case of a pilot-in-command,

(i) the person has received, in respect of the aircraft type that the person will operate, the training set out in subsections 604.169(1) and 604.170(1) and, if applicable, the training set out in subsection 604.169(3) and Sections 604.177 and 604.178, or equivalent training that meets the requirements of subsection 604.140(1), as the case may be, and

(ii) the validity period of the training has not expired;



(c) in the case of a second-in-command,

(i) the person has received, in respect of the aircraft type that the person will operate, the training set out in subsections 604.169(1) and 604.170(1) and, if applicable, the training set out in subsection 604.169(3) and Section 604.177, or equivalent training that meets the requirements of subsection 604.140(1), as the case may be, and

(ii) the validity period of the training has not expired;

(d) the person has received, in respect of the aircraft type that the person will operate, training in the performance of the emergency procedures referred to in subsection 604.169(2) or equivalent training that meets the requirements of subsection 604.140(1), and the validity period of the training has not expired;

(e) the person has successfully completed, in respect of the aircraft type that the person will operate, a competency check that meets the requirements of this Section or a competency check or pilot proficiency check that meets the requirements of subsection 604.140(2), and the validity period of the competency check or pilot proficiency check has not expired; and

(f) if the person is required to operate an aircraft above 13,000 feet ASL, the person has received the training set out in Section 604.176 or equivalent training that meets the requirements of subsection 604.140(1).

**(2)** A person who undergoes a competency check referred to in paragraph (1)(e)

(a) shall have completed, within 30 days before the day on which the competency check is conducted, the training set out in subsection 604.170(1) or equivalent training that meets the requirements of subsection 604.140(1);

(b) shall have been recommended for the competency check by an instructor who provided the person with the training or equivalent training referred to in paragraph (a); and

(c) shall meet the following requirements:

(i) the person holds the licence required by Part IV in respect of the aircraft that will be used for the competency check,

(ii) the person holds a type rating required by Part IV in respect of the aircraft that will be used for the competency check, or meets the knowledge and experience requirements set out in paragraph 421.40(3)(a) of Standard 421 - Flight Crew Permits, Licences and Ratings, and the knowledge requirement was met within 24 months before

the day on which the competency check is conducted, and

(iii) the person holds an instrument rating required by Part IV in respect of the aircraft that will be used for the competency check, or meets the knowledge and experience requirements set out in subsection 421.46(2) of Standard 421 - Flight Crew Permits, Licences and Ratings, and the knowledge requirement was met within 24 months before the day on which the competency check is conducted.

**(3)** The competency check referred to in paragraph (1)(e)

(a) shall be based on the processes, practices and procedures set out in the private operator's operations manual;

(b) shall consist of the exercises set out in Chapters 2 or 3, as the case may be, of the standard entitled Flight Test Guide - Competency Check (Private Operators), published by the Minister;

(c) shall assess the exercises referred to in paragraph (b) in accordance with the marking scale set out in Section 1.3 of that standard;

(d) shall assess the competency as satisfactory or unsatisfactory in accordance with Sections 1.4 and 1.5 of that standard; and

(e) shall be subject to the retest procedures referred to in Section 1.6 of that standard.

**(4)** Subject to subsection (5), the competency check referred to in paragraph (1)(e) shall be conducted by a person who

(a) holds the licence and ratings required by Part IV to act as pilot-in-command of the aircraft used for the competency check;

(b) holds an instrument rating required by Part IV in respect of the aircraft used for the competency check;

(c) meets one of the following requirements:

(i) is a pilot examiner authorized by the Minister to conduct instrument rating flight tests under Part IV,

(ii) is an approved check pilot authorized by the Minister to conduct a pilot proficiency check under Part VII in respect of the aircraft type used for the competency check, or

(iii) holds an authorization issued by the competent authority of a contracting state to

conduct flight tests that are equivalent to competency checks, in which case the person shall have demonstrated to the private operator knowledge of the standard referred to in paragraph (3)(b); and

(d) is not the instructor who made the recommendation referred to in paragraph (2)(b) in respect of the person undergoing the competency check.

**(5)** The competency check referred to in paragraph (1)(e) may be conducted by a person who is not referred to in paragraph (4)(c) if the person

(a) has been assigned to conduct the competency check by the private operator;

(b) meets the requirements set out in paragraphs (4)(a) and (b);

(c) does not have a record of conviction for

(i) an offence under Section 7.3 of the Act, or

(ii) two or more offences under these Regulations not arising from a single occurrence;

(d) is at least 21 years old;

(e) has at least 3,000 hours of flight time in an aircraft of the same category as the aircraft that will be used for the competency check, including

(i) at least 2,000 hours as pilot-in-command,

(ii) at least 500 hours in a multi-engined aircraft, and

(iii) at least 500 hours of instrument time, including at least 100 hours as pilot-in-command; and

(f) has successfully completed, within 24 months before the day on which the person conducts the competency check, training provided by a pilot examiner or by an approved check pilot that includes the following elements:

(i) the responsibilities of a person conducting a competency check,

(ii) evaluation principles,

(iii) the conduct of a competency check,

(iv) the content of the standard referred to in paragraph (3)(b), and

(v) the record-keeping requirements set out in Section 604.149.

[SOR/2014-131, s. 18.]

### **604.144 Instructor Qualifications and Training**

**(1)** No private operator shall permit a person to act - and no person shall act - as a flight instructor or a flight simulator instructor unless

(a) in the case of a flight instructor, the person holds, in respect of the aircraft type used for the training, the licence and ratings required by Part IV or, in the case of a flight instructor licensed by a contracting state, a licence and ratings equivalent to those required by Part IV;

(b) in the case of a flight simulator instructor, the person holds, or has held, in respect of the aircraft type used for the training, the licence and ratings required by Part IV or, in the case of an flight simulator instructor licensed by a contracting state, a licence and ratings equivalent to those required by Part IV;

(c) if the private operator is authorized under a special authorization to operate an aircraft in IFR flight, the person holds a valid instrument rating in respect of the aircraft type used for the training;

(d) the person has received, in respect of the aircraft type used for the training, training that includes the elements set out in subsection 604.170(1), and the validity period of the training has not expired; and

(e) the person has demonstrated to the private operator knowledge of

(i) the content of the private operator's operations manual, and

(ii) the provisions of this Subpart that relate to the training of flight crew members.

**(2)** No private operator shall permit a person to act - and no person shall act - as a ground instructor unless the person has received, before the day on which the person begins to act as ground instructor, training that includes the following elements:

(a) the teaching and learning processes;

(b) instructional techniques; and

(c) the student-instructor relationship.

[SOR/2014-131, s. 18.]

### **604.145 Flight Attendant Training**

No private operator shall permit a person to act - and no person shall act - as a flight attendant unless

(a) the person has received the training set out in Section 604.179 or equivalent training that meets the requirements of subsection 604.140(1), and the validity period of the training has not expired; and

(b) the person has demonstrated to the private operator knowledge of

(i) the provisions of these Regulations and of standards that affect the responsibilities of a flight attendant,

(ii) aeronautical terminology,

(iii) the physiological effects of flight, and

(iv) the theory of flight.

[SOR/2014-131, s. 18.]

### **604.146 Flight Dispatcher and Flight Follower Training**

**(1)** No private operator shall permit a person to act - and no person shall act - as a flight dispatcher unless the person

(a) holds a flight dispatcher certificate; and

(b) has received the training set out in subsection 604.180(1) and the validity period of the training has not expired.

**(2)** No private operator shall permit a person to act - and no person shall act - as a flight follower unless the person has received the training set out in subsection 604.180(2) and the validity period of the training has not expired.

[SOR/2014-131, s. 18.]

### **604.147 Ground and Airborne Icing Operations Training**

No private operator shall permit a person to perform - and no person shall perform - duties relating to ground and airborne icing operations unless the person has received the training set out in Section 604.181 and the validity period of the training has not expired.

[SOR/2014-131, s. 18.]

### **604.148 Safety Management System Training**

A private operator shall ensure that the operations manager, the maintenance manager and all other personnel receive the training set out in Section 604.183.

[SOR/2014-131, s. 18.]

### **604.149 Training and Qualifications Records**

**(1)** A private operator shall have for its personnel a training and qualifications record that includes the following information:

(a) each person's name;

(b) the dates on which the person received training and the name of the instructor who provided the training;

(c) in the case of the operations manager, information on how the operations manager has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.141(1)(b) and the date of that demonstration;

(d) in the case of the chief pilot, information on how the chief pilot has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.142(1)(b) and the date of that demonstration;

(e) in the case of a flight instructor, information on how the flight instructor has demonstrated to the private operator knowledge of the elements referred to in paragraph 604.144(1)(e) and the date of that demonstration;

(f) in the case of a flight crew member,

(i) the flight crew member licence number, the category and expiry date of the flight crew member's medical certificate, a list of the flight crew member's ratings and, if applicable, the expiry date of those ratings,

(ii) in respect of the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178, information indicating whether the training was completed using an aircraft or a flight simulation training device, and

(iii) in respect of the competency check referred to in paragraph 604.143(1)(e),

(A) the name of the person who conducted the competency check and the date on which it was conducted,

(B) the name of the instructor who made the recommendation referred to in paragraph 604.143(2)(b) and the date on which it was made,

(C) the date of each attempt by the flight crew member to complete a competency check and the result of each attempt,

(D) information indicating whether the competency check was conducted using an aircraft or a flight simulation training device, and

(E) in the case of a competency check conducted by the person referred to in subparagraph 604.143(4)(c)(iii), information indicating how the person has demonstrated to the private operator knowledge of the standard referred to in that subparagraph and the date of that demonstration,

(iv) in respect of a pilot proficiency check conducted under Part VII, the name of the air operator for which the check was conducted and the date on which the check was conducted, and

(v) the dates on which the flight crew member demonstrated the ability to operate an aircraft in accordance with paragraphs 604.50(c), 604.51(f), 604.60(f) and 604.74(2)(c); and

(g) in the case of an aircraft maintenance engineer (AME), the aircraft maintenance engineer licence number.

**(2)** If the training referred to in Divisions IV or X includes a written examination, the private operator shall retain a master copy of each examination.

**(3)** The private operator shall

(a) retain the records referred to in subsections (1) and (2) for two years after the day on which the records were last updated; and

(b) retain the written examination referred to in subsection (2) for two years after the day on which the examination was given.

[Effective 2019/06/14 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2019-119, s. 37(E).]

### **604.150 to 604.165 Reserved**

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## Division X - Training Program

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### 604.166 Training Program

**(1)** Subject to subsection (2), a private operator shall have a training program that covers the subject matter set out in Division IV and in this Division, and the competency check referred to in paragraph 604.143(1)(e), and that takes into account

(a) the aircraft types operated by the private operator; and

(b) the private operator's area of operation.

**(2)** A private operator who is also an air operator shall have a training program that covers the subject matter set out in this Division and that takes into account

(a) the aircraft types operated by the private operator that are not specified in the air operator certificate; and

(b) the differences, if any, between the areas in which operations are conducted.

[SOR/2014-131, s. 18.]

### 604.167 Acquiring and Maintaining Competency

A private operator shall design its training program so that a person who receives training required under this Subpart

(a) will, if the person is receiving the training for the first time, acquire the competency necessary to perform his or her duties; and

(b) will, if the person is receiving subsequent training, maintain the competency referred to in paragraph (a) and acquire any new competency necessary to perform his or her duties.

[SOR/2014-131, s. 18.]

### 604.168 Training Program Content and Training Facilities

A private operator shall ensure that any training provided to meet the requirements of this Subpart is

(a) based on the content of the private operator's training program; and

(b) provided in facilities that are equipped with the appropriate furnishings, audiovisual



equipment and training aids.

[SOR/2014-131, s. 18.]

### **604.169 Flight Crew Members - Ground Instruction**

**(1)** The ground instruction component of the training program for flight crew members shall include the following elements:

- (a) the content of the private operator's operations manual;
- (b) the aircraft systems operation and limitations specified in the aircraft flight manual and, if the private operator has established an aircraft operating manual and standard operating procedures, those specified in that manual and in those procedures;
- (c) the operation of the aircraft equipment;
- (d) the differences, if any, between the equipment, operation and layout of aircraft of the same type;
- (e) the standard operating procedures, if any were established by the private operator;
- (f) the aircraft performance and limitations;
- (g) weight and balance control procedures;
- (h) aircraft servicing and ground handling;
- (i) the location and operation of emergency equipment;
- (j) the actions to be taken in the event of aircraft fire on the ground or in the air;
- (k) the actions to be taken in the event of a security-related event;
- (l) procedures to avoid Controlled Flight into Terrain (CFIT);
- (m) if the flight crew members will be assigned to medical evacuation flights (MEDEVAC), emergency procedures specific to medical evacuations, including the evacuation of patients from aircraft; and
- (n) the private operator's operational control system.

**(2)** The ground instruction component of the training program for flight crew members shall include training in the performance of the following emergency procedures:

- (a) the use of fire extinguishers;
- (b) the operation and use of emergency exits;
- (c) passenger preparation for an emergency landing or ditching;
- (d) emergency evacuation procedures;
- (e) if the flight crew members will be assigned to aircraft equipped with life preservers, the donning and inflation of life preservers;
- (f) if the flight crew members will be assigned to aircraft equipped with life rafts, the removal of life rafts from the stowage compartment, and the deployment, inflation and boarding of life rafts; and
- (g) procedures for dealing with pilot incapacitation.

**(3)** If a private operator operates a turbo-jet-powered aeroplane, the ground instruction component of the training program for flight crew members who will operate that aeroplane shall include the following elements:

- (a) the low-energy landing regime for that type of aeroplane;
- (b) the performance and handling characteristics of the aeroplane and engine in the low-energy regime; and
- (c) balked landing procedures for the aeroplane.

[SOR/2014-131, s. 18.]

### **604.170 Flight Crew Members - Aircraft Operation Training**

**(1)** The aircraft operation component of the training program for flight crew members shall include procedures for the normal, abnormal and emergency operation of an aircraft and its systems and components, including the following elements:

- (a) aircraft performance during take-off, climb, cruise, holding, descent, landing and diversion;
- (b) calculations of the aircraft's take-off and landing distances and speeds, and the aircraft's fuel consumption, weight and centre of gravity;
- (c) the flight characteristics of the aircraft, including any abnormal characteristics that are

- applicable to the aircraft, such as dutch roll, buffet boundary onset and aircraft upset;
- (d) the effects of airframe and engine icing and the use of de-icing and anti-icing equipment;
- (e) flight planning and instrument flight procedures, including
  - (i) departure, enroute, holding, arrival and diversion procedures,
  - (ii) precision, non-precision and missed approaches in minimum visibility conditions, with the flight director in automatic mode and in degraded states of operation, and
  - (iii) circling approaches, if applicable;
- (f) pre-flight checks of the interior and exterior of the aircraft;
- (g) the use of aircraft checklists;
- (h) aircraft manoeuvres on the ground;
- (i) normal, crosswind, noise abatement and maximum performance take-offs and landings;
- (j) take-offs and landings on contaminated runways;
- (k) rejected take-offs and landings;
- (l) steep turns;
- (m) approach to a stall and recovery from a stall;
- (n) the operation of the Flight Management Computer System (FMCS), Ground Proximity Warning System (GPWS), Terrain Awareness and Warning System (TAWS), Traffic Alert and Collision Avoidance System (TCAS), Airborne Collision Avoidance System (ACAS) and any other specialized equipment installed in the private operator's aircraft;
- (o) the execution in VMC of one collision avoidance manoeuvre in response to a GPWS or a TAWS warning, if the aircraft is equipped with a GPWS or a TAWS;
- (p) the operation of navigation and communication equipment;
- (q) the actions to be taken in the event of hydraulic, electrical and other system failures;
- (r) the actions to be taken in the event of flight control failures and, in the case of an aircraft with split control capability, briefings on degraded states of operation while in flight and

during take-off and landing;

(s) the actions to be taken in the event of aircraft fire on the ground or in the air;

(t) the actions to be taken in the event of engine fire and engine failure while in flight;

(u) the recognition of and recovery from turbulence and windshear during an approach, landing and take-off;

(v) the actions to be taken in the event of an emergency evacuation of passengers and crew;

(w) the actions to be taken in the event of pilot incapacitation while in flight and during take-off and landing;

(x) crew resource management;

(y) if the private operator provides the training using a flight simulator, the performance of one balked landing initiated in the low-energy regime using the same simulator;

(z) in the case of a pressurized aircraft, the actions to be taken in the event of loss of pressurization and emergency descent;

(z.1) in the case of a three-engine or four-engine aircraft, take-off, landing and flight with the critical engine inoperative or with two other engines inoperative, including driftdown and engine-inoperative performance capabilities; and

(z.2) in the case of a helicopter,

(i) hovering manoeuvres, slope landings and confined areas,

(ii) autorotations,

(iii) transmission and main gear box faults and failures, and

(iv) tail rotor, tail rotor drive and tail rotor gear box faults and failures.

**(2)** When the training referred to in subsection (1) is provided on board an aircraft in flight, the private operator shall have procedures to ensure that situations are simulated or presented, and actions are simulated or performed, so as to not adversely affect the safety of the aircraft, its occupants or any other person.

[SOR/2014-131, s. 18.]

### **604.171 Flight Crew Members - Level B, C or D Flight Simulator**

Subject to Sections 604.172 to 604.174, a private operator may provide the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178 to a flight crew member either on board an aircraft or using a level B, C or D flight simulator. However, if the private operator provides the training using a level B flight simulator, the private operator shall provide training in respect of the following activities on board an aircraft:

- (a) pre-flight checks of the interior and exterior of the aircraft;
- (b) aircraft manoeuvres on the ground;
- (c) normal take-offs and landings;
- (d) crosswind take-offs and landings;
- (e) a visual circuit, if the flight is conducted in VMC;
- (f) approaches and landings with an engine simulated inoperative;
- (g) simulated engine failure procedures during a take-off and a missed approach;
- (h) approaches and landings without electronic glide slope indication;
- (i) a circling approach, if applicable; and
- (j) any other approach for which a level B flight simulator lacks the capability.

[SOR/2014-131, s. 18.]

### **604.172 Flight Crew Members - Level C or D Flight Simulator**

A private operator may provide the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178 to a flight crew member using only a level C or D flight simulator if

- (a) the flight crew member has acquired flight time on an aircraft certificated in the same category, and with engines using the same principle of propulsion, as the aircraft on which the flight crew member is to be trained; and
- (b) the private operator provides to the flight crew member, using the same flight simulator, training in respect of the following activities under variable visual meteorological conditions of dusk and night, or day and night:

- (i) aircraft manoeuvres on the ground,
- (ii) normal take-offs and landings and crosswind take-offs and landings, up to 100% of the crosswind component specified by the aircraft manufacturer,
- (iii) encounters with moderate to severe in-flight icing conditions,
- (iv) simulated line flights that include at least one sector in which the flight crew member acts as pilot flying and at least one sector in which the flight crew member acts as pilot not flying or pilot monitoring,
- (v) visual circuits and landings with variable wind, runway illusion and runway surface conditions,
- (vi) approaches and landings with an engine simulated inoperative,
- (vii) approaches and landings without electronic glide slope indication,
- (viii) approaches and landings with flight control failures and abnormalities, if applicable, and
- (ix) engine failure procedures during a take-off and a missed approach.

[SOR/2014-131, s. 18.]

#### **604.173 Flight Crew Members - Level D Flight Simulator**

A private operator may provide the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178 to a flight crew member using only a level D flight simulator if

- (a) the flight crew member has at least 1,000 hours of flight time as a flight crew member;
- (b) in the case of training provided on an aircraft that requires a minimum flight crew of two pilots, the flight crew member holds an individual type rating for an aircraft that requires a minimum flight crew of two pilots; and
- (c) the private operator provides the training referred to in paragraph 604.172(b) to the flight crew member using that simulator.

[SOR/2014-131, s. 18.]

#### **604.174 Flight Crew Members - Turbo-jet-powered Aeroplane or Transport Category Aircraft - Level C or D Flight Simulator**

A private operator who operates a turbo-jet-powered aeroplane or transport category aircraft shall provide the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178 to a flight crew member using a level C or D flight simulator if a level C or D flight simulator is used for that aircraft type in Canada, the United States or Mexico.

[SOR/2014-131, s. 18.]

#### **604.175 Flight Crew Members - Compatibility of Flight Simulators**

A flight simulator that differs from the private operator's aircraft with respect to installed equipment, systems, cockpit configuration, engine type or performance may be used for the training referred to in subsection 604.170(1) and Sections 604.177 and 604.178 if

- (a) the flight simulator has performance and handling characteristics equivalent to those of the private operator's aircraft; and
- (b) the private operator's training program takes into account the differences between the flight simulator and the aircraft.

[SOR/2014-131, s. 18.]

#### **604.176 Flight Crew Members - High Altitude Indoctrination Training**

The component of the training program for flight crew members who will operate an aircraft above 13,000 feet ASL shall include the following elements:

- (a) physiological phenomena in a low pressure environment, including
  - (i) the effects on respiration,
  - (ii) the symptoms and effects of hypoxia,
  - (iii) the duration of consciousness at various altitudes without supplemental oxygen, and
  - (iv) the effects of gas expansion and gas bubble formation; and
- (b) the factors associated with rapid or explosive loss of pressurization, including
  - (i) the most likely causes of the loss of pressurization,
  - (ii) the increased level of noise, the change in cabin temperature and cabin fogging,
  - (iii) the effects on objects located near a point of fuselage failure, and
  - (iv) the actions to be taken by flight crew members immediately after the loss of

pressurization and the aircraft attitude likely to result from those actions.

[SOR/2014-131, s. 18.]

#### **604.177 Flight Crew Members - One-engine Inoperative Ferry Flights**

The component of the training program for flight crew members who will operate an aircraft during a one-engine inoperative ferry flight under a flight permit issued under Section 507.04 shall include training in the operational procedures and limits specified in the aircraft flight manual.

[SOR/2014-131, s. 18.]

#### **604.178 Flight Crew Members - Upgrade to Pilot-in-Command**

The component of the training program for flight crew members who have served as second-in-command and who are to be upgraded to pilot-in-command shall include the following elements:

- (a) the elements of the training referred to in subsection 604.170(1) that are related to the duties of a pilot-in-command;
- (b) training on the responsibilities of a pilot-in-command in relation to the use and operation of an aircraft;
- (c) in the case of a flight crew member who will conduct an operation under a special authorization, the training required to conduct that operation as pilot-in-command; and
- (d) crew resource management.

[SOR/2014-131, s. 18.]

#### **604.179 Flight Attendants**

The component of the training program for flight attendants shall include the following elements:

- (a) the roles and responsibilities of the private operator and crew members;
- (b) the coordination of crew member duties and crew resource management;
- (c) aircraft communications systems and communication procedures in normal, abnormal and emergency conditions;
- (d) the content of the briefings given to passengers and crew members;



- (e) cabin and passenger safety checks;
- (f) aircraft surface contamination procedures;
- (g) procedures relating to passengers requiring special treatment;
- (h) requirements and procedures relating to seats and restraint systems for passengers and crew members;
- (i) procedures for accepting and stowing carry-on baggage, and any applicable restrictions;
- (j) policies and procedures relating to the use of portable electronic devices;
- (k) procedures for fuelling with passengers on board;
- (l) procedures relating to passenger service when the aircraft is on the ground;
- (m) safety procedures relating to take-offs, landings and aircraft movements on the surface;
- (n) safety procedures relating to the embarkation and disembarkation of passengers and their movement on the apron;
- (o) procedures relating to passenger and crew member safety during periods of in-flight turbulence;
- (p) procedures for entering the flight deck and for serving beverages and meals to flight crew members;
- (q) procedures for dealing with the incapacitation of a crew member;
- (r) the location and operation of, and any safety instructions relating to, the various types of cabin exits and the flight deck escape routes;
- (s) the operation of cabin systems and of safety and emergency equipment by flight attendants in normal and abnormal conditions;
- (t) the actions to be taken with respect to the equipment identified on the minimum equipment list and intended for use by flight attendants;
- (u) the actions to be taken in the event of fumes or smoke in the cabin and to prevent fumes or smoke in the vicinity of the aircraft from entering the cabin;
- (v) fire detection, fire-fighting systems and fire-fighting procedures;

- (w) procedures in the event of loss of cabin pressurization;
- (x) how to identify the need for administering supplemental oxygen, and procedures for administering the oxygen;
- (y) procedures for the evacuation of passengers and crew members; and
- (z) training that includes the performance of the following emergency procedures:
  - (i) the use of the public address and interphone systems,
  - (ii) the briefing of passengers,
  - (iii) the operation and use of the emergency exits on each type of aircraft to which the flight attendant will be assigned,
  - (iv) emergency evacuation procedures,
  - (v) if the flight attendants will be assigned to an aircraft equipped with life preservers, the donning and inflation of life preservers,
  - (vi) if the flight attendants will be assigned to an aircraft equipped with an evacuation slide, the identification of the location of the manual inflation handle and the disconnect handle, and an evacuation using the slide,
  - (vii) if the flight attendants will be assigned to an aircraft equipped with either first aid oxygen equipment or portable oxygen equipment, the operation and use of that equipment,
  - (viii) if the flight attendants will be assigned to an aircraft equipped with life rafts, the removal of life rafts from the stowage compartment and the deployment, inflation and boarding of life rafts, and
  - (ix) fire fighting, including the use of a fire extinguisher on an actual fire.

[SOR/2014-131, s. 18.]

### **604.180 Flight Dispatchers and Flight Followers**

**(1)** The component of the training program for flight dispatchers shall include the following elements:

- (a) the content of the private operator's operations manual;

- (b) the provisions of these Regulations, and of related standards, that affect the responsibilities of a flight dispatcher;
- (c) flight planning and the private operator's standard operating procedures;
- (d) radiocommunication procedures;
- (e) aircraft fuelling procedures;
- (f) aircraft surface contamination procedures;
- (g) the use of minimum equipment lists;
- (h) meteorological conditions, including windshear and aircraft icing, in the private operator's area of operation;
- (i) the private operator's navigation and instrument approach procedures;
- (j) accident and incident reporting;
- (k) emergency procedures;
- (l) weight and balance control procedures;
- (m) pre-flight crew member briefings;
- (n) the differences between pilot self-dispatch procedures and co-authority dispatch procedures;
- (o) the provision of meteorological information to the flight crew without analysis or interpretation;
- (p) foreign regulations, if applicable;
- (q) aeronautical information publications applicable to the private operator's area of operation;
- (r) meteorological conditions and their effect on the flight and operation of an aircraft;
- (s) the interpretation of meteorological information;
- (t) the performance and limitations of the private operator's aircraft;

(u) air traffic control procedures; and

(v) flight dispatch procedures.

**(2)** The component of the training program for flight followers shall include the elements referred to in paragraphs (1)(a) to (q).

[SOR/2014-131, s. 18.]

### **604.181 Ground and Airborne Icing Operations**

The component of the training program for flight crew members and ground personnel that relates to ground and airborne icing operations shall include the following elements:

(a) the responsibilities of the pilot-in-command and other operations personnel in respect of aircraft de-icing and anti-icing procedures;

(b) the provisions of these Regulations, and of related standards, that relate to ground and airborne icing operations;

(c) the meteorological conditions that are conducive to ice, frost and snow contamination;

(d) procedures relating to pre-flight inspections and to the removal of contamination;

(e) the hazards associated with the contamination of critical surfaces by ice, frost and snow;

(f) airborne icing recognition; and

(g) in the case of training provided to flight crew members,

(i) the basis of the certification of the aircraft for flight into known icing conditions,

(ii) airborne icing definitions and terminology,

(iii) the aerodynamic effects of airborne icing,

(iv) the weather patterns associated with airborne icing, including both classical and non-classical mechanisms that produce freezing precipitation,

(v) flight planning and airborne icing information,

(vi) information specific to the private operator's aircraft fleet that relates to the operation of de-icing and anti-icing equipment, and operational procedures relating to that equipment, and

(vii) the private operator's directives concerning operations in airborne icing conditions set out in the private operator's operations manual and, if established by the private operator, in the private operator's standard operating procedures.

[SOR/2014-131, s. 18.]

### **604.182 Maintenance, Elementary Work and Servicing**

**(1)** The component of the training program for persons who performs maintenance or elementary work shall include the following elements:

- (a) the performance rules set out in Section 571.02, and the recording requirements set out in Section 571.03 and subsection 605.92(1); and
- (b) the private operator's maintenance control system.

**(2)** The component of the training program for persons who perform servicing shall include the following elements:

- (a) the procedures that are set out in instructions for continued airworthiness provided by the holder of the design approval document, and that are applicable to the types of aircraft operated by the private operator; and
- (b) details of the methods used by the private operator to record servicing under paragraph 604.127(k).

[SOR/2014-131, s. 18.]

### **604.183 Safety Management System**

The component of the training program in respect of the private operator's safety management system shall include the following elements:

- (a) training in the concepts and principles of safety management systems;
- (b) training in the organization and operation of the private operator's safety management system;
- (c) competency-based training for persons who have been assigned duties in respect of the safety management system;
- (d) appropriate objectives for each person; and
- (e) means of measuring the level of competency attained by each person who receives the

training.

[SOR/2014-131, s. 18.]

## **604.184 to 604.196 Reserved**

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## **Division XI - Operations Manual**

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### **604.197 General Requirement**

**(1)** A private operator shall have an operations manual that sets out the processes, practices and procedures applied in the course of its operations. The operations manual shall include a table of contents and shall deal with the following topics:

- (a) the duties and responsibilities of all operational and maintenance personnel, and the hierarchy and chain of command within management;
- (b) the organization and operation of the safety management system;
- (c) personnel training and qualifications;
- (d) record keeping;
- (e) the organization and operation of the maintenance control system;
- (f) procedures for conducting an operation under a special authorization, if applicable;
- (g) the organization and operation of the operational control system;
- (h) procedures, if any, relating to minimum equipment lists;
- (i) the procedures to follow in normal, abnormal and emergency conditions;
- (j) the private operator's standard operating procedures, if any;
- (k) weather restrictions;
- (l) flight time limits and flight duty period limits;
- (m) controlled rest on the flight deck;
- (n) accident and incident response considerations;

(o) procedures for dealing with security events;

(p) aircraft performance limitations; and

(q) the use and protection of records, if any, obtained from flight data recorders and cockpit voice recorders.

**(2)** The private operator shall ensure that it is possible to verify the currency and validity of each part of its operations manual.

[Effective 2018/12/12 - Previous Version Dated 2014/05/29]

[SOR/2014-131, s. 18; SOR/2018-269, s. 18.]

### **604.198 Distribution**

**(1)** A private operator shall provide a copy of its operations manual and a copy of every amendment to that manual to every member of its personnel who is involved in the private operator's operations.

**(2)** Every person who has been provided with a copy of an operations manual under subsection (1) shall keep it up to date by inserting in it the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

**(3)** Despite subsection (1), instead of providing every crew member with a copy of its operations manual and a copy of every amendment to that manual, a private operator may keep an up-to-date copy of the appropriate parts of that manual in each aircraft that it operates.

[SOR/2014-131, s. 18.]

### **604.199 to 604.201 Reserved**

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## **Division XII - Safety Management System**

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### **604.202 Prohibition**

No private operator shall conduct flight operations unless it has a safety management system that meets the requirements of Section 604.203.

[SOR/2014-131, s. 18.]

### **604.203 Components of the Safety Management System**

**(1)** Subject to subsection (2), the private operator's safety management system shall include the following components:

(a) a statement of the overall objectives that are to be achieved by the safety management system;

(b) a safety management plan that

(i) specifies the duties that are assigned to the private operator's personnel in respect of the safety management system,

(ii) sets out performance goals for the safety management system and a means of measuring the attainment of those goals,

(iii) sets out a policy for the internal reporting of aviation-safety-related hazards, incidents and accidents, including the conditions, if any, under which personnel will be protected from disciplinary action,

(iv) describes the relationship between the components of the safety management system, and

(v) sets out procedures for involving personnel in the establishment of the safety management system;

(c) a safety oversight program that includes

(i) procedures for managing aviation-safety-related incidents, including their investigation and analysis,

(ii) procedures for identifying and managing aviation-safety-related hazards, including the monitoring and risk profiling of those hazards,

(iii) a reporting and data collection system for collecting and communicating information relating to aviation-safety-related hazards and incidents that

(A) uses a record-keeping system to monitor and analyze aviation safety trends,

(B) includes a means of communicating with persons who report issues relating to the safety management system or aviation safety,

(C) is capable of generating progress reports for the person responsible for the functional area at intervals that the person determines, and



- (D) is capable of generating other reports in urgent cases,
- (iv) procedures for investigating and analyzing aviation-safety-related hazards, incidents and accidents that
  - (A) take into account human, environmental and supervisory factors and organizational elements,
  - (B) make it possible to make findings as to root causes and contributing factors, and
  - (C) make it possible to communicate the findings to the operations manager,
- (v) risk management analysis procedures that include
  - (A) an analysis of aviation-safety-related hazards,
  - (B) a risk assessment based on risk criteria, and
  - (C) a risk control strategy,
- (vi) corrective action procedures
  - (A) for determining what corrective actions are necessary, if any, and for carrying out those actions,
  - (B) for keeping a record of any determination made under clause (A) and the reason for that determination, and
  - (C) for monitoring and evaluating, in accordance with the quality assurance program referred to in Section 604.206, the effectiveness of any corrective action carried out under clause (A),
- (vii) procedures for disseminating to personnel, with the approval of the private operator, the following aviation-safety-related information:
  - (A) information relating to an incident,
  - (B) information relating to a hazard analysis, and
  - (C) information relating to the results of a review or audit, and
- (viii) procedures for sharing, with any person with whom the private operator exchanges services, any information relating to aviation safety;

(d) procedures for

(i) ensuring that all procedures relating to the safety management system are recorded and disseminated to personnel,

(ii) managing and keeping all records and documents resulting from the safety management system,

(iii) ensuring that records and reports relating to the safety management system are retained for at least two years, and

(iv) reviewing all documents relating to the safety management system and keeping those documents up to date;

(e) emergency response procedures that

(i) cover all of the activities carried out by the private operator, and

(ii) ensure that the duties relating to those procedures are assigned to the appropriate personnel;

(f) the quality assurance program referred to in Section 604.206; and

(g) the process for conducting a review of the safety management system under Section 604.207.

**(2)** The safety management system of a private operator who has no employees is not required to include the components referred to in the following provisions:

(a) subparagraphs (1)(b)(iii) and (v);

(b) clause (1)(c)(iii)(B);

(c) subparagraph (1)(c)(vii);

(d) subparagraph (1)(d)(i); and

(e) subparagraph (1)(e)(ii).

[SOR/2014-131, s. 18.]

### **604.204 Duties of Operations Manager**

**(1)** The operations manager shall

- (a) manage the safety management system;
- (b) implement the safety management plan referred to in paragraph 604.203(1)(b);
- (c) implement the safety oversight program referred to in paragraph 604.203(1)(c);
- (d) implement the procedures referred to in paragraph 604.203(1)(d) in respect of all documents relating to the safety management system;
- (e) implement the emergency response procedures referred to in paragraph 604.203(1)(e);
- (f) implement the quality assurance program referred to in Section 604.206;
- (g) ensure that any deficiency identified by the quality assurance program is analyzed to determine its root cause and contributing factors;
- (h) communicate to the private operator any finding produced by the safety management system in respect of a hazard to aviation safety;
- (i) share, with any person with whom the private operator exchanges services, any finding produced by the safety management system that is likely to have an adverse effect on aviation safety; and
- (j) analyze any information relating to aviation safety that is received from any person with whom the private operator exchanges services and take appropriate action to mitigate any hazard to aviation safety.

**(2)** When a finding produced by the safety management system is reported to the operations manager, the operations manager shall

- (a) determine what corrective actions are necessary to address that finding, if any, and carry out those actions;
- (b) keep a record of any determination made under paragraph (a) and the reason for that determination;
- (c) if the operations manager has assigned management functions to another person, communicate any determination made under paragraph (a) to that person; and
- (d) notify the private operator of any deficiency that reduces the effectiveness of all or part of the safety management system, and of the corrective action carried out.

[SOR/2014-131, s. 18.]

### **604.205 Duties of Personnel**

The personnel of a private operator shall

- (a) report to the operations manager any issue relating to the safety management system, including
  - (i) deficiencies, and
  - (ii) aviation-safety-related hazards, incidents or accidents; and
- (b) share, with any person with whom the private operator exchanges services, any information relating to aviation safety.

[SOR/2014-131, s. 18.]

### **604.206 Quality Assurance Program**

**(1)** The quality assurance program shall make provision for sampling the private operator's processes in order to measure

- (a) the private operator's effectiveness in conducting an audit under subsection (2); and
- (b) the private operator's ability to carry out its activities effectively and safely.

**(2)** An audit required by the quality assurance program shall be conducted

- (a) within 12 months after the day on which the private operator registration document was issued;
- (b) subject to paragraph (c), within 12 months after the day on which the previous audit was completed;
- (c) within 36 months after the day on which the previous audit was completed, if
  - (i) the private operator submits to the Minister a risk assessment establishing that the private operator is capable of managing the aviation-safety-related risks that may occur during that 36-month period, and
  - (ii) none of the following events have occurred since the day on which the previous audit was completed:

- (A) a major incident,

- (B) a major change in the private operator's activities, and
  - (C) a finding resulting from a review of the safety management system and indicating that the quality assurance program is not achieving its objectives;
  - (d) following an accident, or incident, that affects aviation safety; and
  - (e) following the identification, as a result of a review of the safety management system, of a deficiency that reduces the effectiveness of all or part of the safety management system.
- (3)** A quality assurance program shall include
- (a) checklists of all of the activities carried out by the private operator;
  - (b) procedures for determining what corrective actions are necessary to eliminate the root cause and contributing factors of each finding of non-compliance with these Regulations;
  - (c) procedures for monitoring corrective actions to ensure that they are effective;
  - (d) a system for recording the following information:
    - (i) the findings resulting from an audit, and any supporting documentation,
    - (ii) an analysis of the root cause and contributing factors of any deficiency identified by the quality assurance program,
    - (iii) any corrective action, and
    - (iv) any follow-up action; and
  - (e) procedures for ensuring that each finding resulting from an audit is communicated to the operations manager and to any person who has been assigned management functions respecting the safety management system, and is made available to the private operator.
- (4)** An audit conducted under paragraph (2)(d) or (e) shall be a complete audit.
- (5)** No private operator shall assign a duty relating to the quality assurance program to a person who is responsible for carrying out a task or an activity evaluated by that program unless
- (a) owing to the size, nature and complexity of the private operator's operations and activities, it is impractical to assign the duty to a person who is not responsible for carrying out the task or activity;

(b) based on a risk analysis, assigning the duty to a person responsible for carrying out the task or activity will not result in an increased risk to aviation safety; and

(c) the operation of the audit system in relation to the quality assurance program will not be compromised.

[SOR/2014-131, s. 18.]

### **604.207 Review of the Safety Management System**

**(1)** A periodic review of the safety management system shall measure the effectiveness of the system in the attainment of the performance goals referred to in subparagraph 604.203(1)(b)(ii).

**(2)** A review of the safety management system shall be conducted

(a) within 12 months after the day on which the private operator registration document was issued;

(b) within 12 months after the day on which the previous review was completed; or

(c) following an accident, or incident, that affects aviation safety.

**(3)** A review of the safety management system shall include procedures for

(a) identifying any deficiency in the operation of the safety management system;

(b) investigating and analyzing the root cause and contributing factors of any deficiency identified by the review; and

(c) ensuring that corrective actions are effective and are used on an ongoing basis to improve the safety management system.

**(4)** A review conducted under paragraph (2)(c) shall be a complete review.

**(5)** No private operator shall assign a duty relating to a review of the safety management system to a person who is responsible for carrying out a task or an activity that is the subject of the review unless

(a) owing to the size, nature and complexity of the private operator's operations and activities, it is impracticable to assign the duty to a person who is not responsible for carrying out the task or activity;

(b) based on a risk analysis, assigning the duty to a person responsible for carrying out the

task or activity will not result in an increased risk to aviation safety; and

(c) the integrity of the review of the safety management system will not be compromised.

[SOR/2014-131, s. 18.]

### **604.208 Duties of Private Operator - Review**

The private operator shall

(a) conduct the review of the safety management system under Section 604.207;

(b) determine what corrective actions are necessary to address any deficiency identified by the review, and carry out those actions;

(c) keep a record of any determination made under paragraph (b) and the reason for it; and

(d) if the private operator has assigned management functions to another person, provide that person with a copy of that record.

[SOR/2014-131, s. 18.]

[Amended 2014/05/29 - Previous Version Dated 2005/11/15][Amended 2005/11/15 - Previous Version Dated 1996/10/10]

### **604.209 to 604.219 Reserved**

[Effective 2015/08/01 - No Previous Version]

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## **Division XIII - Flight Attendants and Emergency Evacuation**

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[Effective 2015/08/01 - No Previous Version]

### **604.220 Interpretation**

**(1)** For the purposes of this Division and subject to subsection (2), “model” means “aircraft master series” as described in Section 3.7 of version 1.3 of the document entitled *International Standard for Aircraft Make, Model, and Series Groupings*, dated October 2012 and published by the Common Taxonomy Team of the International Civil Aviation Organization (ICAO) and the Commercial Aviation Safety Team (CAST).

**(2)** If no aircraft master series is assigned to an aeroplane, “model” in respect of that aeroplane means “aircraft model” as described in Section 3.6 of version 1.3 of the document entitled *International Standard for Aircraft Make, Model, and Series Groupings*, dated October 2012 and published by the Common Taxonomy Team of the International Civil Aviation Organization (ICAO) and the Commercial Aviation Safety Team (CAST).

### **604.221 Minimum Number of Flight Attendants**

- (1)** No person shall conduct a take-off in an aeroplane that is operated by a private operator and is carrying more than 12 passengers unless the take-off is conducted with the minimum number of flight attendants required on each deck.
- (2)** Subject to subsections (3) to (5), the minimum number of flight attendants required on each deck is one flight attendant for each unit of 50 passengers or for each portion of such a unit.
- (3)** No flight attendants are required if
- (a)* the aeroplane has 13 to 19 passengers on board;
  - (b)* the aeroplane is operated by a pilot-in-command and a second-in-command;
  - (c)* the passenger cabin is readily accessible from the flight deck; and
  - (d)* the flight crew members are able to exercise supervision over the passengers during flight by visual and aural means.
- (4)** If a private operator has carried out a successful demonstration of its emergency evacuation procedures for a model of aeroplane using more flight attendants than would have been required in accordance with the ratio set out in subsection (2), the minimum number of flight attendants required on each deck of an aeroplane of that model that is operated by the private operator is the number of flight attendants used in the demonstration.
- (5)** If the emergency evacuation demonstration required for the certification of a model of aeroplane was carried out using more flight attendants than would have been required in accordance with the ratio set out in subsection (2), the minimum number of flight attendants required on each deck of an aeroplane of that model is the number of flight attendants required in accordance with the ratio set out in subsection (2) plus an additional number of flight attendants that is equal to the difference between
- (a)* the number of flight attendants used in the demonstration, and
  - (b)* the number of flight attendants that would have been required in accordance with the ratio set out in subsection (2) at the time of the demonstration.
- (6)** If there is a conflict between subsection (3) and subsection (4) or (5), subsection (3) prevails



to the extent of the conflict.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.222 Emergency Features**

No private operator shall operate an aeroplane that is configured for 20 or more passenger seats unless the features that facilitate emergency evacuations meet the requirements set out in Section 624.222 of Standard 624 - Emergency Features of the General Operating and Flight Rules Standards.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.223 Demonstration of Emergency Evacuation Procedures**

**(1)** A private operator who decides to introduce a model of aeroplane into its fleet for the purpose of carrying passengers shall carry out a successful demonstration of its emergency evacuation procedures for that model of aeroplane before operating an aeroplane of that model to carry passengers.

**(1.1)** Despite subsection (1), the demonstration of emergency evacuation procedures is not required if the private operator has

(a) carried out a successful demonstration of its emergency evacuation procedures for another model of aeroplane in its fleet;

(b) conducted a comparative analysis to ensure that there is no difference in any of the following items between the model of aeroplane for which a successful demonstration has been carried out and the model of aeroplane being introduced:

(i) the location of the flight attendants and their emergency evacuation duties and procedures,

(ii) the number, location and type of emergency exits, and

(iii) the number, location and type of opening mechanisms for the emergency exits;

(c) verified that no changes have been made to any of the items listed in subparagraphs (b)(i) to (iii), in respect of the model of aeroplane for which a successful demonstration has been carried out, between the time of the successful demonstration and the time the comparative analysis is conducted; and

(d) before operating an aeroplane of the model being introduced to carry passengers, made a record - that it keeps for at least five years after the day on which the record is made - of

(i) its decision to use the results of a successful demonstration of its emergency evacuation procedures for another model of aeroplane instead of carrying out a demonstration for the model of aeroplane it has decided to introduce, and

(ii) the model of aeroplane for which a successful demonstration has been carried out and the model of aeroplane it has decided to introduce.

**(2)** If a private operator decides to introduce an aeroplane into its fleet and there is a difference in any of the following items between that aeroplane and other aeroplanes of the same model that are already in the fleet, the private operator shall treat the aeroplane as if it were a different model of aeroplane and carry out a successful demonstration of its emergency evacuation procedures for that model before operating the aeroplane to carry passengers:

(a) the location of the flight attendants or their emergency evacuation duties or procedures;

(b) the number, location or type of emergency exits; or

(c) the number, location or type of opening mechanisms for the emergency exits.

**(3)** A private operator who decides to change any of the following items in respect of an aeroplane shall carry out a successful demonstration of its emergency evacuation procedures for the model of that aeroplane, as changed, before operating the aeroplane to carry passengers:

(a) the location of the flight attendants or their emergency evacuation duties or procedures;

(b) the number, location or type of emergency exits; or

(c) the number, location or type of opening mechanisms for the emergency exits.

**(4)** Subsections (1) to (3) do not apply in respect of a model of aeroplane that is configured to carry fewer than 44 passengers.

[Effective 2020/12/09 - Previous Version Dated 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12; SOR/2020-253, s. 7.]

### **604.224 Carrying Out a Demonstration of Emergency Evacuation Procedures**

**(1)** A private operator who carries out a demonstration of its emergency evacuation procedures for a model of aeroplane shall

(a) do so without passengers;

(b) do so with flight attendants who have completed the private operator's training program for that model of aeroplane; and

(c) begin the demonstration using the private operator's normal procedures, then transition to its emergency procedures.

**(2)** The demonstration is successful if the flight attendants can, within 15 seconds after the transition from the private operator's normal procedures to its emergency procedures,

(a) open 50% of the floor-level emergency exits that are required by the certification basis established in respect of the model of aeroplane;

(b) open 50% of the non-floor-level emergency exits the opening of which is set out as an emergency evacuation duty in the private operator's operations manual; and

(c) deploy 50% of the escape slides.

**(3)** The private operator shall record the demonstration using time-encoded video and keep the recording for at least five years after the day on which the demonstration is carried out.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.225 Extended Over-water Operations**

**(1)** If a private operator decides to operate an aeroplane to carry passengers in extended over-water operations and the aeroplane is required to have survival equipment under Section 602.63, the private operator shall carry out a demonstration of its ditching emergency evacuation procedures for the model of that aeroplane before starting the extended over-water operations.

**(2)** Subsection (1) does not apply in respect of an aeroplane that is configured for fewer than 20 passenger seats.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 13]

### **604.226 Carrying Out a Demonstration of Emergency Evacuation Procedures - Ditching**

**(1)** A private operator who carries out a demonstration of its ditching emergency evacuation procedures for a model of aeroplane shall

(a) use an aeroplane of that model, a life-sized mock-up of that model of aeroplane or a floating device;

(b) assume that the ditching occurs during daylight hours and that all required crew members are available;

(c) ensure that passengers are on board and participate in the demonstration if the private operator's operations manual requires passengers to assist in the launching of life rafts;

(d) ensure that, after the ditching signal has been received, each evacuee dons a life preserver;

(e) ensure that each life raft is removed from its stowage compartment;

(f) ensure that, as applicable, one life raft or one slide raft is inflated; and

(g) ensure that each evacuee boards the life raft or slide raft and that a crew member assigned to the life raft or slide raft indicates the location of the required survival equipment and describes the use of that equipment.

**(2)** A life-sized mock-up of a model of aeroplane or a floating device must

(a) be representative of the passenger cabin of the model of aeroplane;

(b) contain seats for all of the evacuees participating in the demonstration;

(c) be equipped with the same survival equipment that is installed on the model of aeroplane, including a life preserver for each evacuee participating in the demonstration;

(d) have emergency exits and doors that simulate those on the model of aeroplane; and

(e) have enough wing area installed outside the window emergency exits to simulate the portions of the wings of the model of aeroplane that would be used in a ditching situation.

**(3)** The private operator shall record the demonstration using time-encoded video and keep the recording for at least five years after the day on which the demonstration is carried out.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 13]

## **604.227 to 604.239 Reserved**

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

### **604.240 Embarking and Disembarking of Passengers**

**(1)** Subject to subsections (2) and (3), a private operator who operates an aeroplane to carry passengers shall ensure that all flight attendants assigned to a flight using that aeroplane are on board during passenger embarkation and disembarkation.

**(2)** In the case of a flight to which more than one flight attendant is assigned, the private operator may reduce the number of flight attendants by one during passenger embarkation if

(a) the flight attendant who leaves the aeroplane remains within the immediate vicinity of the door through which passengers are embarking and carries out safety-related duties for the flight;

(b) the engines used for the propulsion of the aeroplane are not running; and

(c) at least one floor-level exit remains open to provide for passenger egress.

**(3)** In the case of a flight to which more than one flight attendant is assigned, the private operator may reduce the number of flight attendants during passenger disembarkation if

(a) the engines used for the propulsion of the aeroplane are not running;

(b) at least one floor-level exit remains open to provide for passenger egress; and

(c) half of the required number of flight attendants - rounded down to the next lower number in the case of fractions, but never less than one - remain on board.

**(4)** Paragraphs (2)(b) and (3)(a) do not apply in respect of an engine on a propeller-driven aeroplane if

(a) the engine has a propeller brake;

(b) the propeller brake is set; and

(c) the engine is marked with a symbol that indicates that the engine may be used as an auxiliary power unit.

**(5)** The private operator shall ensure that, during passenger embarkation and disembarkation,

(a) if only one flight attendant is on board, he or she remains in the vicinity of the door through which passengers are embarking or disembarking; and

(b) if more than one flight attendant is on board, they are evenly distributed in the

passenger cabin and are in the vicinity of the floor-level exits.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.241 Emergency Evacuation - Before and During Surface Movement**

A private operator shall, for each aeroplane in its fleet that is configured to carry 20 or more passengers, have procedures to ensure that

(a) at least one floor-level exit provides for passenger egress before the movement of the aeroplane on the surface; and

(b) every automatically deployable means of emergency passenger evacuation is ready for immediate use during the movement of the aeroplane on the surface.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.242 Single-aisle Aeroplane**

Despite Section 605.09, no person shall conduct a take-off in a single-aisle aeroplane that is carrying passengers unless all emergency exits and escape slides are operative.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 12]

### **604.243 Standardization**

No private operator shall operate an aeroplane that is configured to carry 20 or more passengers unless the emergency equipment, the stowage locations for emergency equipment and the emergency procedures are standardized for all aeroplanes in the private operator's fleet that are configured to carry 20 or more passengers.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 14]

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## **Subpart 5 - Aircraft Requirements**

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### **605.01 Application**

**(1)** This Subpart applies to

(a) persons operating Canadian aircraft other than ultra-light aeroplanes, hang gliders or

remotely piloted aircraft; and

(b) persons operating foreign aircraft in Canada, other than remotely piloted aircraft, if those persons are Canadian citizens, permanent residents or corporations incorporated by or under the laws of Canada or a province.

**(2)** The following requirements apply to persons operating foreign aircraft, other than persons referred to in paragraph (1)(b), while those aircraft are operated in Canada:

(a) the requirement to carry a flight authority on board the aircraft in accordance with Section 605.03;

(b) the requirement that an aircraft be equipped with transponder and automatic pressure-altitude reporting equipment in accordance with Section 605.35;

(c) the requirement that an aircraft be equipped with one or more ELTs in accordance with Section 605.38; and

(d) radiocommunication and radio navigation equipment requirements that are specific to the aircraft and types of flight referred to in Sections 605.14 to 605.21.

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 19.]

## **605.02 Reserved**

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### **Division I - Aircraft Requirements - General**

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#### **605.03 Flight Authority**

**(1)** No person shall operate an aircraft in flight unless

(a) a flight authority is in effect in respect of the aircraft;

(b) the aircraft is operated in accordance with the conditions set out in the flight authority; and

(c) subject to subsections (2) and (3), the flight authority is carried on board the aircraft.

**(2)** Where a specific-purpose flight permit has been issued pursuant to Section 507.04, an aircraft may be operated without the flight authority carried on board where

- (a) the flight is conducted in Canadian airspace; and
- (b) an entry is made into the journey log indicating
  - (i) that the aircraft is operating under a specific-purpose flight permit, and
  - (ii) where applicable, any operational conditions that pertain to flight operations under the specific-purpose flight permit.

**(3)** A balloon may be operated without the flight authority carried on board where the flight authority is immediately available to the pilot-in-command

- (a) prior to commencing a flight; and
- (b) on completion of the flight.

#### **605.04 Availability of Aircraft Flight Manual**

**(1)** No person shall conduct a take-off in an aircraft, for which an aircraft flight manual is required by the applicable standards of airworthiness, unless the aircraft flight manual or, if an aircraft operating manual has been established under Section 604.37 or Part VII, the aircraft operating manual is available to the flight crew members at their duty stations.

**(2)** The aircraft flight manual or, if an aircraft operating manual has been established under Section 604.37 or Part VII, those parts of the aircraft flight manual that are incorporated into the aircraft operating manual shall include all the amendments and supplementary material that are applicable to the aircraft type.

[Amended 2014/05/29 - Previous Version Dated 2005/11/15][Amended 2005/11/15 - Previous Version Dated 1996/10/10]

[SOR/2005-341, s. 6; SOR/2014-131, s. 19.]

#### **605.05 Markings and Placards**

No person shall conduct a take-off in an aircraft in respect of which markings or placards are required by the applicable standards of airworthiness unless the markings or placards are affixed to the aircraft or attached to a component of the aircraft in accordance with those standards.

#### **605.06 Aircraft Equipment Standards and Serviceability**

No person shall conduct a take-off in an aircraft, or permit another person to conduct a take-off in an aircraft in their custody and control, unless the aircraft equipment required by these Regulations



(a) meets the applicable standards of airworthiness; and

(b) is serviceable and, where required by operational circumstances, functioning, except if otherwise provided in Section 605.08, 605.09 or 605.10.

### **605.07 Minimum Equipment Lists**

**(1)** The Minister may, in accordance with the *MMEL/MEL Policy and Procedures Manual*, establish a master minimum equipment list for each type of aircraft.

**(2)** The Minister may supplement a master minimum equipment list that has been issued by the competent authority of a foreign state in respect of a type of aircraft where necessary to ensure compliance with the *MMEL/MEL Policy and Procedures Manual*.

**(3)** Where a master minimum equipment list has been established for an aircraft type pursuant to subsection (1) or supplemented pursuant to subsection (2), the Minister shall approve a minimum equipment list in respect of each operator of that type of aircraft, if the requirements set out in the *MMEL/MEL Policy and Procedures Manual* are met.

### **605.08 Unserviceable and Removed Equipment - General**

**(1)** Despite subsection (2) and Sections 605.09 and 605.10, no person shall conduct a take-off in an aircraft that has equipment that is not serviceable or from which equipment has been removed if, in the opinion of the pilot-in-command, aviation safety is affected.

**(2)** Despite Sections 605.09 and 605.10, a person may conduct a take-off in an aircraft that has equipment that is not serviceable or from which equipment has been removed where the aircraft is operated in accordance with the conditions of a flight permit that has been issued specifically for that purpose.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-152, s. 19(E).]

### **605.09 Unserviceable and Removed Equipment - Aircraft with a Minimum Equipment List**

**(1)** Subject to subsection (2), where a minimum equipment list has been approved in respect of the operator of an aircraft pursuant to subsection 605.07(3), no person shall conduct a take-off in the aircraft with equipment that is not serviceable or that has been removed unless

(a) the aircraft is operated in accordance with any conditions or limitations specified in the minimum equipment list; and

(b) a copy of the minimum equipment list is carried on board.

(2) Where the conditions or limitations specified in a minimum equipment list are in conflict with the requirements of an airworthiness directive, the airworthiness directive prevails.

#### **605.10 Unserviceable and Removed Equipment - Aircraft without a Minimum Equipment List**

(1) Where a minimum equipment list has not been approved in respect of the operator of an aircraft, no person shall conduct a take-off in the aircraft with equipment that is not serviceable or that has been removed, where that equipment is required by

(a) the standards of airworthiness that apply to day or night VFR or IFR flight, as applicable;

(b) any equipment list published by the aircraft manufacturer respecting aircraft equipment that is required for the intended flight;

(c) an air operator certificate, a special authorization issued under subsection 604.05(2), a special flight operations certificate or a flight training unit operator certificate;

(d) an airworthiness directive; or

(e) these Regulations.

(2) Where a minimum equipment list has not been approved in respect of the operator of an aircraft and the aircraft has equipment, other than the equipment required by subsection (1), that is not serviceable or that has been removed, no person shall conduct a take-off in the aircraft unless

(a) where the unserviceable equipment is not removed from the aircraft, it is isolated or secured so as not to constitute a hazard to any other aircraft system or to any person on board the aircraft;

(b) the appropriate placards are installed as required by the *Aircraft Equipment and Maintenance Standards*; and

(c) an entry recording the actions referred to in paragraphs (a) and (b) is made in the journey log, as applicable.

[Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 20.]

#### **605.11 to 605.13 Reserved**

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## **Division II - Aircraft Equipment Requirements**

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### **605.14 Power-driven Aircraft - Day VFR**

No person shall conduct a take-off in a power-driven aircraft for the purpose of day VFR flight unless it is equipped with

- (a) where the aircraft is operated in uncontrolled airspace, an altimeter;
- (b) where the aircraft is operated in controlled airspace, a sensitive altimeter adjustable for barometric pressure;
- (c) an airspeed indicator;
- (d) a magnetic compass or a magnetic direction indicator that operates independently of the aircraft electrical generating system;
- (e) a tachometer for each engine and for each propeller or rotor that has limiting speeds established by the manufacturer;
- (f) an oil pressure indicator for each engine employing an oil pressure system;
- (g) a coolant temperature indicator for each liquid-cooled engine;
- (h) an oil temperature indicator for each air-cooled engine having a separate oil system;
- (i) a manifold pressure gauge for each
  - (i) reciprocating engine equipped with a variable-pitch propeller,
  - (ii) reciprocating engine used to power a helicopter,
  - (iii) supercharged engine, and
  - (iv) turbocharged engine;
- (j) a means for the flight crew, when seated at the flight controls to determine
  - (i) the fuel quantity in each main fuel tank, and
  - (ii) if the aircraft employs retractable landing gear, the position of the landing

gear;

(k) subject to subsections 601.08(2) and 601.09(2), a radiocommunication system adequate to permit two-way communication on the appropriate frequency when the aircraft is operated within

(i) Class B, Class C or Class D airspace,

(ii) an MF area, unless the aircraft is operated pursuant to subsection 602.97(3),  
or

(iii) the ADIZ;

(l) where the aircraft is operated under Subpart 4 of this Part, or under Subpart 3, 4 or 5 of Part VII, radiocommunication equipment adequate to permit two-way communication on the appropriate frequency;

(m) where the aircraft is operated in Class B airspace, radio navigation equipment that will enable it to be operated in accordance with a flight plan; and

(n) where the aircraft is operated under Subpart 4 of this Part or under Subpart 5 of Part VII, radio navigation equipment that is adequate to receive radio signals from a transmitting facility.

### **605.15 Power-driven Aircraft - VFR OTT**

**(1)** No person shall conduct a take-off in a power-driven aircraft for the purpose of VFR OTT flight unless it is equipped with

(a) the equipment referred to in paragraphs 605.14(c) to (j);

(b) a sensitive altimeter adjustable for barometric pressure;

(c) a means of preventing malfunction caused by icing for each airspeed indicating system;

(d) a gyroscopic direction indicator or a stabilized magnetic direction indicator;

(e) an attitude indicator;

(f) subject to subsection (2), a turn and slip indicator or turn coordinator;

(g) where the aircraft is to be operated within the Northern Domestic Airspace, a means of establishing direction that is not dependent on a magnetic source;

(h) radiocommunication equipment adequate to permit two-way communication on the appropriate frequency; and

(i) radio navigation equipment adequate to permit the aircraft to be navigated safely.

**(2)** Where the aircraft is equipped with a third attitude indicator that is usable through flight attitudes of 360° of pitch and roll for an aeroplane, or ±80° of pitch and ±120° of roll for a helicopter, the aircraft may be equipped with a slip-skid indicator in lieu of a turn and slip indicator or a turn coordinator.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 18.]

### **605.16 Power-driven Aircraft - Night VFR**

**(1)** No person shall conduct a take-off in a power-driven aircraft for the purpose of night VFR flight, unless it is equipped with

(a) the equipment referred to in paragraphs 605.14(c) to (n);

(b) a sensitive altimeter adjustable for barometric pressure;

(c) subject to subsection (2), a turn and slip indicator or turn coordinator;

(d) an adequate source of electrical energy for all of the electrical and radio equipment;

(e) in respect of every set of fuses of a particular rating that is installed on the aircraft and accessible to the pilot-in-command during flight, a number of spare fuses that is equal to at least 50 per cent of the total number of installed fuses of that rating;

(f) where the aircraft is operated so that an aerodrome is not visible from the aircraft, a stabilized magnetic direction indicator or a gyroscopic direction indicator;

(g) where the aircraft is to be operated within the Northern Domestic Airspace, a means of establishing direction that is not dependent on a magnetic source;

(h) where the aircraft is an airship operated within controlled airspace, radar reflectors attached in such a manner as to be capable of a 360-degree reflection;

(i) a means of illumination for all of the instruments used to operate the aircraft;

(j) when carrying passengers, a landing light; and

(k) position and anti-collision lights that conform to the *Aircraft Equipment and Maintenance Standards*.

(2) Where the aircraft is equipped with a third attitude indicator that is usable through flight attitudes of 360° of pitch and roll for an aeroplane, or ±80° of pitch and ±120° of roll for a helicopter, the aircraft may be equipped with a slip-skid indicator in lieu of a turn and slip indicator or a turn coordinator.

(3) No person shall operate an aircraft that is equipped with any light that may be mistaken for, or downgrade the conspicuity of, a light in the navigation light system, unless the aircraft is being operated for the purpose of aerial advertising.

(4) In addition to the equipment requirements specified in subsection (1), no person shall operate an aircraft in night VFR flight under Subpart 4 of this Part or Subparts 2 to 5 of Part VII, unless the aircraft is equipped with

(a) an attitude indicator;

(b) a vertical speed indicator;

(c) a means of preventing malfunction caused by icing for each airspeed indicating system; and

(d) an outside air temperature gauge.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 19.]

### **605.17 Use of Position and Anti-collision Lights**

(1) Subject to subsection (2), no person shall operate an aircraft in the air or on the ground at night, or on water between sunset and sunrise, unless the aircraft position lights and anti-collision lights are turned on.

(2) Anti-collision lights may be turned off where the pilot-in-command determines that, because of operating conditions, doing so would be in the interests of aviation safety.

### **605.18 Power-driven Aircraft - IFR**

No person shall conduct a take-off in a power-driven aircraft for the purpose of IFR flight unless it is equipped with

(a) when it is operated by day, the equipment required pursuant to paragraphs 605.16(1)(a)

to (h);

(b) when it is operated by night, the equipment required pursuant to paragraphs 605.16(1)(a) to (k);

(c) an attitude indicator;

(d) a vertical speed indicator;

(e) an outside air temperature gauge;

(f) a means of preventing malfunction caused by icing for each airspeed indicating system;

(g) a power failure warning device or vacuum indicator that shows the power available to gyroscopic instruments from each power source;

(h) an alternative source of static pressure for the altimeter, airspeed indicator and vertical speed indicator;

(i) sufficient radiocommunication equipment to permit the pilot to conduct two-way communications on the appropriate frequency; and

(j) sufficient radio navigation equipment to permit the pilot, in the event of the failure at any stage of the flight of any item of that equipment, including any associated flight instrument display,

(i) to proceed to the destination aerodrome or proceed to another aerodrome that is suitable for landing, and

(ii) where the aircraft is operated in IMC, to complete an instrument approach and, if necessary, conduct a missed approach procedure.

### **605.19 Balloons - Day VFR**

No person shall conduct a take-off in a balloon for the purpose of day VFR flight unless it is equipped with

(a) an altimeter;

(b) a vertical speed indicator;

(c) in the case of a hot air balloon,

(i) a fuel quantity gauge, and

(ii) an envelope temperature indicator;

(d) in the case of a captive gas balloon, a magnetic direction indicator; and

(e) subject to subsections 601.08(2) and 601.09(2), a radiocommunication system adequate to permit two-way communication on the appropriate frequency when the balloon is operated within

(i) Class C or Class D airspace,

(ii) an MF area, unless the aircraft is operated pursuant to subsection 602.97(3),  
or

(iii) the ADIZ.

#### **605.20 Balloons - Night VFR**

No person shall conduct a take-off in a balloon for the purpose of night VFR flight unless it is equipped with

(a) equipment required pursuant to Section 605.19;

(b) position lights;

(c) a means of illuminating all of the instruments used by the flight crew, including a flashlight; and

(d) in the case of a hot air balloon, two independent fuel systems.

#### **605.21 Gliders - Day VFR**

No person shall operate a glider in day VFR flight unless it is equipped with

(a) an altimeter;

(b) an airspeed indicator;

(c) a magnetic compass or a magnetic direction indicator; and

(d) subject to subsections 601.08(2) and 601.09(2), a radiocommunication system adequate to permit two-way communication on the appropriate frequency when the glider is



operated within

- (i) Class C or Class D airspace,
- (ii) an MF area, unless the aircraft is operated pursuant to subsection 602.97(3),  
or
- (iii) the ADIZ.

### **605.22 Seat and Safety Belt Requirements**

**(1)** Subject to subsection 605.23, no person shall operate an aircraft other than a balloon unless it is equipped with a seat and safety belt for each person on board the aircraft other than an infant.

**(2)** Subsection (1) does not apply to a person operating an aircraft that was type-certificated with a safety belt designed for two persons.

**(3)** A safety belt referred to in subsection (1) shall include a latching device of the metal-to-metal type.

### **605.23 Restraint System Requirements**

An aircraft may be operated without being equipped in accordance with Section 605.22 in respect of the following persons if a restraint system that is secured to the primary structure of the aircraft is provided for each person who is

- (a) carried on a stretcher or in an incubator or other similar device;
- (b) carried for the purpose of parachuting from the aircraft; or
- (c) required to work in the vicinity of an opening in the aircraft structure.

### **605.24 Shoulder Harness Requirements**

**(1)** No person shall operate an aeroplane, other than a small aeroplane manufactured before July 18, 1978, unless each front seat or, if the aeroplane has a flight deck, each seat on the flight deck is equipped with a safety belt that includes a shoulder harness.

**(2)** Except as provided in Section 705.75, no person shall operate a transport category aeroplane unless each flight attendant seat is equipped with a safety belt that includes a shoulder harness.

**(3)** No person shall operate a small aeroplane manufactured after December 12, 1986, the initial type certificate of which provides for not more than nine passenger seats, excluding any pilot seats, unless each forward- or aft-facing seat is equipped with a safety belt that includes a shoulder harness.

**(4)** No person shall operate a helicopter manufactured after September 16, 1992, the initial type certificate of which specifies that the helicopter is certified as belonging to the normal or transport category, unless each seat is equipped with a safety belt that includes a shoulder harness.

**(5)** No person operating an aircraft shall conduct any of the following flight operations unless the aircraft is equipped with a seat and a safety belt that includes a shoulder harness for each person on board the aircraft:

(a) aerobatic manoeuvres;

(b) class B, C or D external load operations conducted by a helicopter; and

(c) aerial application, or aerial inspection other than flight inspection for the purpose of calibrating electronic navigation aids, conducted at altitudes below 500 feet AGL.

#### **605.25 General Use of Safety Belts and Restraint Systems**

**(1)** The pilot-in-command of an aircraft shall direct all of the persons on board the aircraft to fasten safety belts, including any shoulder harness,

(a) during movement of the aircraft on the surface;

(b) during take-off and landing; and

(c) at any time during flight that the pilot-in-command considers it necessary that safety belts be fastened.

**(2)** The directions referred to in subsection (1) also apply to the use of the following restraint systems:

(a) a child restraint system;

(b) a restraint system used by a person who is engaged in parachute descents; and

(c) a restraint system used by a person when working in the vicinity of an opening in the aircraft structure.

**(3)** Where an aircraft crew includes flight attendants and the pilot-in-command anticipates that the level of turbulence will exceed light turbulence, the pilot-in-command shall immediately direct each flight attendant to

- (a) discontinue duties relating to service;
- (b) secure the cabin; and
- (c) occupy a seat and fasten the safety belt provided, including any shoulder harness.

**(4)** Where an aircraft is experiencing turbulence and the in-charge flight attendant considers it necessary, the in-charge flight attendant shall

- (a) direct all of the passengers to fasten their safety belts; and
- (b) direct all flight attendants to discontinue duties relating to service, to secure the cabin, to occupy the assigned seats and to fasten the safety belts provided, including any shoulder harness, and to do so oneself.

**(5)** Where the in-charge flight attendant has given directions in accordance with subsection (4), the in-charge flight attendant shall so inform the pilot-in-command.

[Effective 2021/06/17 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 20; SOR/2021-153, s. 1.]

### **605.26 Use of Passenger Safety Belts and Restraint Systems**

**(1)** Where the pilot-in-command or the in-charge flight attendant directs that safety belts be fastened, every passenger who is not an infant shall

- (a) ensure that the passenger's safety belt, including any shoulder harness, or restraint system is properly adjusted and securely fastened;
- (b) if responsible for an infant for which no child restraint system is provided, hold the infant securely in the passenger's arms; and
- (c) if responsible for a person who is using a child restraint system, ensure that the person is properly secured.

**(2)** No passenger shall be responsible for more than one infant.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-153, s. 2.]

### **605.27 Use of Crew Member Safety Belts**

**(1)** Subject to subsection (2), the crew members on an aircraft shall be seated at their stations with their safety belts, including any shoulder harness, fastened

(a) during take-off and landing;

(b) at any time that the pilot-in-command directs; and

(c) in the case of crew members who are flight attendants, at any time that the in-charge flight attendant so directs pursuant to paragraph 605.25(4)(b).

**(2)** Where the pilot-in-command directs that safety belts be fastened by illuminating the safety belt sign, a crew member is not required to comply with paragraph (1)(b)

(a) during movement of the aircraft on the surface or during flight, if the crew member is performing duties relating to the safety of the aircraft or of the passengers on board;

(b) where the aircraft is experiencing light turbulence, if the crew member is a flight attendant and is performing duties relating to the passengers on board; or

(c) if the crew member is occupying a crew rest facility during cruise flight and the restraint system for that facility is properly adjusted and securely fastened.

**(3)** The pilot-in-command shall ensure that at least one pilot is seated at the flight controls with safety belt, including any shoulder harness, fastened during flight time.

[Effective 2021/06/17 - Previous Version Dated 1996/10/10]

[SOR/2021-153, s. 3.]

### **605.28 Child Restraint System**

**(1)** No operator of an aircraft shall permit the use of a child restraint system on board the aircraft unless

(a) the person using the child restraint system is accompanied by a parent or guardian who will attend to the safety of the person during the flight;

(b) the weight and height of the person using the child restraint system are within the range specified by the manufacturer;

(c) the child restraint system bears a legible label indicating the applicable design standards and date of manufacture;

(d) the child restraint system is properly secured by the safety belt of a forward-facing seat that is not located in an emergency exit row and does not block access to an aisle; and

(e) the tether strap is used according to the manufacturer's instructions or, where subsection (2) applies, secured so as not to pose a hazard to the person using the child restraint system or to any other person.

**(2)** Where a seat incorporates design features to reduce occupant loads, such as the crushing or separation of certain components, and the seat is in compliance with the applicable design standards, no person shall use the tether strap on the child restraint system to secure the system.

**(3)** Every passenger who is responsible for a person who is using a child restraint system on board an aircraft shall be

(a) seated in a seat adjacent to the seat to which the child restraint system is secured;

(b) familiar with the manufacturer's installation instructions for the child restraint system; and

(c) familiar with the method of securing the person in the child restraint system and of releasing the person from it.

### **605.29 Flight Control Locks**

No operator of an aircraft shall permit the use of a flight control lock in respect of the aircraft unless

(a) the flight control lock is incapable of becoming engaged when the aircraft is being operated; and

(b) an unmistakable warning is provided to the person operating the aircraft whenever the flight control lock is engaged.

### **605.30 De-icing or Anti-icing Equipment**

No person shall conduct a take-off or continue a flight in an aircraft where icing conditions are reported to exist or are forecast to be encountered along the route of flight unless

(a) the pilot-in-command determines that the aircraft is adequately equipped to operate in icing conditions in accordance with the standards of airworthiness under which the type certificate for that aircraft was issued; or

(b) current weather reports or pilot reports indicate that icing conditions no longer exist.

### 605.31 Oxygen Equipment and Supply

(1) No person shall operate an unpressurized aircraft unless it is equipped with sufficient oxygen dispensing units and oxygen supply to comply with the requirements set out in the Table to this subsection.

**Table - Oxygen Requirements for Unpressurized Aircraft**

	Column I	Column II
Item	Persons for Whom Oxygen Supply Must Be Available	Period of Flight and Cabin-Pressure-Altitude
1.	All crew members and 10 per cent of passengers and, in any case, no less than one passenger	Entire period of flight exceeding 30 minutes at cabin-pressure-altitudes above 10,000 feet ASL but not exceeding 13,000 feet ASL
2.	All persons on board the aircraft	(a) Entire period of flight at cabin-pressure-altitudes above 13,000 feet ASL  (b) For aircraft operated in an air transport service under the conditions referred to in paragraph (a), a period of flight of not less than one hour.

(2) No person shall operate a pressurized aircraft unless it is equipped with sufficient oxygen dispensing units and oxygen supply to provide, in the event of cabin pressurization failure at the most critical point during the flight, sufficient oxygen to continue the flight to an aerodrome suitable for landing while complying with the requirements of the Table to this subsection.

**Table - Minimum Oxygen Requirements for Pressurized Aircraft Following Emergency Descent**  
(Note 1)

	Column I	Column II
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Item	Persons for Whom Oxygen Supply Must Be Available	Period of Flight and Cabin-Pressure-Altitude
1.	All crew members and 10 per cent of passengers and, in any case, no less than one passenger	<p>(a) Entire period of flight exceeding 30 minutes at cabin-pressure-altitudes above 10,000 feet ASL but not exceeding 13,000 feet ASL</p> <p>(b) Entire period of flight at cabin-pressure-altitudes above 13,000 feet ASL</p> <p>(c) For aircraft operated in an air transport service under the conditions referred to in paragraph (a) or (b), a period of flight of not less than</p> <ul style="list-style-type: none"> <li>(i) 30 minutes (Note 2), and</li> <li>(ii) for flight crew members, two hours for aircraft the type certificate of which authorizes flight at altitudes exceeding FL250 (Note 3)</li> </ul>
2.	All passengers	<p>(a) Entire period of flight at cabin-pressure-altitudes exceeding 13,000 feet ASL</p> <p>(b) For aircraft operated in an air transport service under the conditions referred to in paragraph (a), a period of flight of not less than 10 minutes</p>

**Note 1:**

*In determining the available supply, the cabin pressure altitude descent profile for the routes concerned must be taken into account.*

**Note 2:**

*The minimum supply is that quantity of oxygen necessary for a constant rate of descent from the aircraft's maximum operating altitude authorized in the type certificate to 10,000 feet ASL in 10 minutes, followed by 20 minutes at 10,000 feet ASL.*

**Note 3:**

*The minimum supply is that quantity of oxygen necessary for a constant rate of descent from the aircraft's maximum operating altitude authorized in the type certificate to 10,000 feet ASL in 10 minutes, followed by 110 minutes at 10,000 feet ASL.*

### **605.32 Use of Oxygen**

**(1)** Where an aircraft is operated at cabin-pressure-altitudes above 10,000 feet ASL but not exceeding 13,000 feet ASL, each crew member shall wear an oxygen mask and use supplemental oxygen for any part of the flight at those altitudes that is more than 30 minutes in duration.

**(2)** Where an aircraft is operated at cabin-pressure-altitudes above 13,000 feet ASL, each person on board the aircraft shall wear an oxygen mask and use supplemental oxygen for the duration of the flight at those altitudes.

**(3)** The pilot at the flight controls of an aircraft shall use an oxygen mask if

(a) the aircraft is not equipped with quick-donning oxygen masks and is operated at or above flight level 250; or

(b) the aircraft is equipped with quick-donning oxygen masks and is operated above flight level 410.

### **605.33 Flight Data Recorder**

**(1)** This Section applies in respect of the following multi-engined turbine-powered aircraft:

(a) an aircraft in respect of which a type certificate has been issued authorizing the transport of 30 or fewer passengers, configured for 10 or more passenger seats and manufactured after October 11, 1991;

(b) an aeroplane in respect of which a type certificate has been issued authorizing the transport of 30 or fewer passengers and configured for 20 to 30 passenger seats;



(c) an aircraft in respect of which a type certificate has been issued authorizing the transport of more than 30 passengers; and

(d) an aircraft in respect of which a type certificate has been issued authorizing the transport of cargo only and operated under Subpart 5 of Part VII.

**(2)** Subject to subsection (4), no person shall dispatch or conduct a take-off in an aircraft unless it is equipped with a flight data recorder that conforms to Section 551.100 of Chapter 551 of the *Airworthiness Manual* and Section 625.33 of Standard 625 - *Aircraft Equipment and Maintenance of the General Operating and Flight Rules Standards*.

**(3)** Subject to subsection (4), no person shall operate an aircraft unless the flight data recorder is operated continuously from the start of the take-off until the completion of the landing.

**(4)** Subsections (2) and (3) do not apply in respect of an aircraft without a serviceable flight data recorder if

(a) a minimum equipment list has been approved by the Minister in respect of the operator of the aircraft under subsection 605.07(3) and the aircraft is operated in accordance with the minimum equipment list; or

(b) a minimum equipment list has not been approved by the Minister in respect of the operator of the aircraft and the following conditions are met:

(i) the period during which the aircraft is operated without a serviceable flight data recorder does not exceed 90 days from the day on which the flight data recorder ceased to be serviceable,

(ii) aircraft technical records that indicate the date on which the flight data recorder ceased to be serviceable are carried on board the aircraft,

(iii) the aircraft is required to be equipped with a cockpit voice recorder under Section 605.34, and

(iv) the cockpit voice recorder is serviceable.

[Effective 2019/05/29 - Previous Version Dated 2003/09/01][Amended 2003/09/01 - Previous Version Dated 1996/10/10]

[SOR/2003-249, s. 1; SOR/2019-130, s. 4.]

### **605.33.1 Underwater Locating Device for Flight Data Recorder**

No person shall operate an aircraft that is required to be equipped with a flight data recorder under Section 605.33 unless the aircraft is equipped with a serviceable underwater locating

device for its flight data recorder that conforms to Section 551.100 of Chapter 551 of the *Airworthiness Manual*.

[Effective 2019/05/29 - No Previous Version]

[SOR/2019-130, s. 4.]

### **605.34 Cockpit Voice Recorder**

**(1)** This Section applies in respect of a multi-engined turbine-powered aircraft that is configured for six or more passenger seats and for which two pilots are required by the aircraft type certificate or by the Subpart under which the aircraft is operated.

**(2)** Subject to subsection (4), no person shall dispatch or conduct a take-off in an aircraft unless the aircraft is equipped with a cockpit voice recorder that conforms to Section 551.101 of Chapter 551 of the *Airworthiness Manual* and Section 625.34 of Standard 625 - *Aircraft Equipment and Maintenance of the General Operating and Flight Rules Standards*.

**(3)** Subject to subsection (4), no person shall operate an aircraft unless the cockpit voice recorder is operated continuously from the time at which electrical power is first provided to the recorder before the flight to the time at which electrical power is removed from the recorder after the flight.

**(4)** Subsections (2) and (3) do not apply in respect of an aircraft without a serviceable cockpit voice recorder if

(a) a minimum equipment list has been approved by the Minister in respect of the operator of the aircraft under subsection 605.07(3) and the aircraft is operated in accordance with the minimum equipment list;

(b) a minimum equipment list has not been approved by the Minister in respect of the operator of the aircraft and the following conditions are met:

(i) the period during which the aircraft is operated without a serviceable cockpit voice recorder does not exceed 90 days from the day on which the cockpit voice recorder ceased to be serviceable,

(ii) aircraft technical records that indicate the date on which the cockpit voice recorder ceased to be serviceable are carried on board the aircraft,

(iii) the aircraft is required to be equipped with a flight data recorder under Section 605.33, and

(iv) the flight data recorder is serviceable; or

(c) the operator of the aircraft is authorized to conduct single-pilot operations in an air operator certificate issued under Subpart 3 of Part VII and the following conditions are met:

(i) the period during which the aircraft is operated without a serviceable cockpit voice recorder does not exceed 45 days from the day on which the cockpit voice recorder ceased to be serviceable,

(ii) the requirements of paragraph 703.66(a) cannot be met because the auto-pilot is not serviceable,

(iii) the aircraft is operated by two pilots who meet the requirements of Section 703.88, and

(iv) aircraft technical records that indicate the dates on which the cockpit voice recorder and the auto-pilot ceased to be serviceable are carried on board the aircraft.

**(5)** No person shall erase any communications that have been recorded by a cockpit voice recorder.

[Effective 2019/05/29 - Previous Version Dated 1996/10/10]

[SOR/2019-130, s. 4.]

#### **605.34.1 Underwater Locating Device for Cockpit Voice Recorder**

**(1)** Subject to subsection (2), no person shall operate an aircraft in respect of which a type certificate has been issued authorizing the transport of more than 30 passengers unless the aircraft is equipped with a serviceable underwater locating device for its cockpit voice recorder that conforms to Section 551.101 of Chapter 551 of the *Airworthiness Manual* and subsection 625.34(5) of Standard 625 - *Aircraft Equipment and Maintenance of the General Operating and Flight Rules Standards*.

**(2)** Subsection (1) does not apply in respect of an aircraft that is equipped with a flight data recorder and cockpit voice recorder that are installed adjacent to each other and are not likely to be separated during a crash impact.

[Effective 2019/05/29 - No Previous Version]

[SOR/2019-130, s. 4.]

#### **605.34.2 Use of Microphones**

If an aircraft is equipped to continuously record audio signals by means of a boom microphone

or mask microphones, each flight crew member shall use the boom microphone or his or her mask microphone while the aircraft is operated below 10,000 feet ASL.

[Effective 2019/05/29 - No Previous Version]

[SOR/2019-130, s. 4.]

### **605.35 Transponder and Automatic Pressure-Altitude Reporting Equipment**

**(1)** Subject to subsections (2) and (3), no person shall operate an aircraft, other than a balloon or a glider, in transponder airspace, unless the aircraft is equipped with a transponder and automatic pressure-altitude reporting equipment.

**(2)** Subsection (1) does not apply in respect of an aircraft without a serviceable transponder and automatic pressure-altitude reporting equipment if

(a) a minimum equipment list has been approved by the Minister in respect of the operator of the aircraft under subsection 605.07(3) and the aircraft is operated in accordance with the minimum equipment list; or

(b) a minimum equipment list has not been approved by the Minister in respect of the operator of the aircraft and the aircraft is operated

(i) to the next aerodrome of intended landing, and

(ii) after that landing, in accordance with an air traffic control clearance, to complete a planned flight schedule or to proceed to a maintenance facility.

**(3)** Subsection (1) does not apply in respect of an aircraft without a serviceable transponder and automatic pressure-altitude reporting equipment if

(a) the aircraft is within airspace referred to in Section 601.03;

(b) an air traffic control unit provides an air traffic control service in respect of that airspace;

(c) the air traffic control unit received a request from a person to operate the aircraft within that airspace before the aircraft entered the airspace;

(d) the air traffic control unit authorized the person to operate the aircraft; and

(e) aviation safety is not likely to be affected.

[Effective 2019/05/29 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 21; SOR/2019-130, s. 7.]

### **605.36 Altitude Alerting System or Device**

**(1)** Subject to subsection (2), no person shall conduct a take-off in a turbo-jet-powered aeroplane unless it is equipped with an altitude alerting system or device that conforms to the *Aircraft Equipment and Maintenance Standards*.

**(2)** Subsection (1) does not apply in respect of an aeroplane without a serviceable altitude alerting system or device if

(a) a minimum equipment list has been approved by the Minister in respect of the operator of the aeroplane pursuant to subsection 605.07(3) and the aeroplane is operated in accordance with the minimum equipment list; or

(b) a minimum equipment list has not been approved by the Minister in respect of the operator of the aeroplane and the aeroplane is operated

(i) from the place where the operator or pilot-in-command takes possession of the aeroplane to a place where the aeroplane can be equipped with such a system or device,

(ii) for the sole purpose of conducting a flight test, a competency check, a pilot proficiency check or flight crew member training, or

(iii) where the system or device becomes unserviceable after take-off, until it reaches an aerodrome at which the system or device can be repaired or replaced.

[Effective 2019/05/29 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 21; SOR/2019-130, s. 8.]

### **605.37 GPWS**

**(1)** Subject to subsections (2) and (3), no person operating under Subpart 4 or 5 of Part VII shall conduct a take-off in a turbo-jet-powered aeroplane that has a MCTOW of more than 15 000 kg (33,069 pounds) and for which a type certificate has been issued authorizing the transport of 10 or more passengers, unless the aeroplane is equipped with a ground proximity warning system.

**(2)** An aeroplane referred to in subsection (1) may be operated without a serviceable ground proximity warning system if a minimum equipment list has been approved by the Minister in respect of the operator of the aeroplane pursuant to subsection 605.07(3) and the aeroplane is operated in accordance with the minimum equipment list.

**(3)** Where, in the interests of aviation safety, it is necessary during a flight to deactivate any

mode of a ground proximity warning system, the pilot-in-command of the aeroplane may deactivate that mode if the deactivation is performed in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(4) This Section**

(a) applies only in respect of aeroplanes manufactured on or before the day on which this subsection comes into force; and

(b) shall cease to apply on the expiry of two years after that day.

[Amended 2012/07/04 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 9]

**605.38 ELT**

**(1)** Subject to subsection (3), no person shall operate an aircraft unless it is equipped with one or more ELTs in accordance with subsection (2).

**(2)** An aircraft set out in column I of an item of the Table to this subsection shall, for the area of operation set out in column II of the item, be equipped with the quantity and type of ELTs referred to in column III of that item, which ELTs shall be armed, if so specified in the aircraft flight manual, aircraft operating manual, pilot operating handbook or equivalent document provided by the manufacturer.

**Table - ELT Requirements**

	<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Item</b>	<b>Aircraft</b>	<b>Area of Operation</b>	<b>Minimum Equipment</b>
1.	All aircraft	Over land	One ELT of type AD, AF or AP, as referred to in Section 551.104 of Chapter 551 - Aircraft Equipment and Installation of the <i>Airworthiness Manual</i>

2.	Large multi-engined turbo-jet aeroplanes engaged in an air transport service carrying passengers	Over water at a distance from land that requires the carriage of life rafts under Section 602.63	Two ELTs of Type S, as referred to in Section 551.104 of Chapter 551 - Aircraft Equipment and Installation of the <i>Airworthiness Manual</i>
3.	All aircraft that require an ELT other than those set out in item 2	Over water at a distance from land that requires the carriage of life rafts pursuant to Section 602.63	One ELT of Type S, as referred to in Section 551.104 of Chapter 551 - Aircraft Equipment and Installation of the <i>Airworthiness Manual</i>

**(3)** An aircraft may be operated without an ELT on board if the aircraft

(a) is a glider, balloon, airship, ultra-light aeroplane or gyroplane;

(b) is registered under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying, is equipped with a serviceable emergency beacon that transmits on the 406 MHz frequency with a tested life of at least 24 hours and

(i) has a Class 1 or Class 2 Type Approval Certificate issued by the international search and rescue Cospas-Sarsat Council, and

(ii) is registered with the appropriate authority of the country identified in the coded message transmitted by the emergency beacon;

(c) is operated by the holder of a flight training unit operating certificate, engaged in flight training and operated within 25 nautical miles of the aerodrome of departure;

(d) is engaged in a flight test;

(e) is a new aircraft engaged in flight operations related to manufacture, preparation or delivery of the aircraft;

(f) is operated for the purpose of permitting a person to conduct a parachute descent within 25 nautical miles of the aerodrome of departure; or

(g) is operated in accordance with Section 605.39.

**(4)** If an aircraft is equipped with one or more ELTs that transmit on the 406 MHz frequency, the owner shall register each ELT with

(a) the Canadian beacon Registry of the National Search and Rescue Secretariat; or

(b) the appropriate authority of the country identified in the coded message transmitted by the ELT.

[Effective 2021/11/25 - Previous Version Dated 2020/11/25][Effective 2020/11/25 - Previous Version Dated 2004/09/01][Amended 2004/09/01 - Previous Version Dated 2002/09/24][Amended 2002/09/24 - Previous Version Dated 1996/10/10]

[SOR/2002-345, s. 2; SOR/2020-238, s. 5.]

### **605.38.1 ELT - Frequencies**

**(1)** No person shall operate an aircraft under a private operator registration document or in a commercial air service unless the aircraft is equipped with one or more ELTs that transmit simultaneously on the 406 MHz and 121.5 MHz frequencies.

**(2)** A person may operate an aircraft, other than an aircraft referred to in subsection (1), if it is equipped with one or more ELTs that transmit on one or both of the following frequencies:

(a) 121.5 MHz; and

(b) 406 MHz.

[Effective 2021/11/25 - No previous Version]

[SOR/2020-238, s. 6]

### **605.39 Use of ELTs**

**(1)** An aircraft that is required to be equipped with one or more ELTs under Section 605.38 may be operated without a serviceable ELT if the operator

(a) repairs the ELT or removes it from the aircraft at the first aerodrome at which repairs or removal can be accomplished;

(b) on removal of the ELT, sends the ELT to a maintenance facility; and

(c) displays on a readily visible placard within the aircraft cockpit, until the ELT is replaced, a notice stating that the ELT has been removed and setting out the date of removal.

**(2)** If an aircraft is required to have one ELT under Section 605.38, the operator shall re-equip



the aircraft with a serviceable ELT within

(a) 10 days after the date of removal, if the aircraft is operated under Subpart 4 or 5 of Part VII; or

(b) 30 days after the date of removal in the case of any other aircraft.

**(3)** If an aircraft is required to have two ELTs under Section 605.38, the operator shall

(a) if one of the ELTs is unserviceable, repair or replace it within 10 days after the date of removal; and

(b) if both ELTs are unserviceable, repair or replace

(i) one ELT at the first aerodrome at which a repair or replacement can be accomplished, and

(ii) the second ELT within 10 days after the date of removal.

[Amended 2002/09/24 - Previous Version Dated 1996/10/10]

[SOR/2002-345, s. 3.]

### **605.40 ELT Activation**

**(1)** Subject to subsection (2), no person shall activate an ELT except in an emergency.

**(2)** A person may activate an ELT, in accordance with the manufacturer's instructions, for the purpose of testing the ELT for a duration of not more than five seconds during the first five minutes of any hour UTC in the case of an ELT that transmits on the 121.5 MHz frequency or an ELT that transmits on both the 406 MHz and the 121.5 MHz frequencies.

**(3)** If an ELT has been inadvertently activated during flight, the pilot-in-command of the aircraft shall ensure, as soon as feasible, that

(a) the nearest air traffic control unit, flight service station or community aerodrome radio station is so informed; and

(b) the ELT is deactivated.

[Amended 2020/11/25 - Previous Version Dated 2002/09/24][Amended 2002/09/24 - Previous Version Dated 1996/10/10]

[SOR/2002-345, s. 4; SOR/2020-238, s. 8.]

### **605.41 Third Attitude Indicator**

**(1)** No person shall conduct a take-off in a turbo-jet-powered aeroplane that is operated under

Part VII without a third attitude indicator that meets the requirements of Section 625.41 of the *Aircraft Equipment and Maintenance Standards* unless the aeroplane

(a) has a MCTOW of less than 5 700 kg (12,566 pounds); and

(b) was operated in Canada in a commercial air service on October 10, 1996.

**(2)** No person shall conduct a take-off in a transport category aircraft without a third attitude indicator that meets the requirements of Section 625.41 of the *Aircraft Equipment and Maintenance Standards* unless the aircraft

(a) is a transport category helicopter not operated in IFR flight;

(b) is a transport category aeroplane powered by reciprocating engines that was manufactured before January 1, 1998; or

(c) is not operated pursuant to Part VII.

**(3)** No person shall conduct a take-off in a turbo-propeller powered aeroplane that is operated under Part VII without a third attitude indicator that meets the requirements of Section 625.41 of the *Aircraft Equipment and Maintenance Standards* unless the aeroplane

(a) has a passenger seating configuration, excluding pilot seats, of 30 or fewer;

(b) has a payload capacity of 3 402 kg (7,500 pounds) or less; and

(c) was manufactured prior to March 20, 1997.

**(4)** After December 20, 2010, no person shall conduct a take-off in a turbo-propeller powered aeroplane having a passenger seating configuration, excluding pilot seats, of 10 or more, and operated under Part VII, unless the aeroplane is equipped with a third attitude indicator that meets the requirements of Section 625.41 of the *Aircraft Equipment and Maintenance Standards*.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 22; SOR/2015-160, s. 29(F).]

## **605.42 TAWS**

**(1)** Subject to subsection (2), no operator shall operate a turbine-powered aeroplane that has a seating configuration, excluding pilot seats, of six or more, unless the aeroplane is equipped with an operative TAWS that

(a) meets the requirements for Class A or Class B equipment set out in CAN-TSO-C151a or a

more recent version of it;

(b) meets the altitude accuracy requirements set out in Section 551.102 of Chapter 551 of the *Airworthiness Manual*; and

(c) has a terrain and airport database compatible with the area of operation.

**(2)** The operator may operate the aeroplane without its being equipped with an operative TAWS if

(a) the aeroplane is operated in day VFR only;

(b) in the event that a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the day on which the failure of the TAWS occurs; or

(c) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the TAWS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(3)** This section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until the day that is two years after that day.

[Amended 2020/12/09 - Previous Version Dated 2012/07/04][Amended 2012/07/04 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 10; SOR/2020-253, s. 8.]

### **605.43 to 605.83 Reserved**

[Amended 2012/07/04 - Previous Version Dated 1996/10/10]

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## **Division III - Aircraft Maintenance Requirements**

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### **605.84 Aircraft Maintenance - General**

**(1)** Subject to subsections (3) and (4), no person shall conduct a take-off or permit a take-off to be conducted in an aircraft that is in the legal custody and control of the person, other than an aircraft operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the aircraft

(a) is maintained in accordance with any airworthiness limitations applicable to the aircraft type design;

(b) meets the requirements of any airworthiness directive issued under Section 521.427; and

(c) except as provided in subsection (2), meets the requirements of any notices that are equivalent to airworthiness directives and that are issued by

(i) the competent authority of the foreign state that, at the time the notice was issued, is responsible for the type certification of the aircraft, engine, propeller or appliance, or

(ii) for an aeronautical product in respect of which no type certificate has been issued, the competent authority of the foreign state that manufactured the aeronautical product.

**(2)** In the case of a conflict between an airworthiness directive issued by the Minister under Section 521.427 and a foreign notice, the airworthiness directive prevails.

**(3)** The Minister shall exempt the owner of a Canadian aircraft from the requirement to comply with all or part of an airworthiness directive, subject to appropriate conditions relating to aviation safety, as specified in Appendix H of the *Aircraft Equipment and Maintenance Standards*, where the owner demonstrates to the Minister that

(a) under circumstances specified in the exemption request, compliance is impractical or unnecessary; and

(b) the exemption will provide a level of safety that is equivalent to that required by the airworthiness directive.

**(4)** The Minister shall approve an alternative means of compliance with an airworthiness directive, for reasons set out in the approval, where the Minister is satisfied that the proposed alternative will maintain the level of safety that is provided for by the compliance time, the modification, the restriction, the replacement, the special inspection or the procedure set out in the airworthiness directive.

[Amended 2009/12/01 - Previous Version Dated 2002/03/01][Amended 2002/03/01 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-389, s. 1; SOR/2002-112, s. 13; SOR/2009-280, s. 35.]

### **605.85 Maintenance Release and Elementary Work**

**(1)** Subject to subsections (2) and (3), no person shall conduct a take-off in an aircraft, or permit a take-off to be conducted in an aircraft that is in the legal custody and control of the person,

where that aircraft has undergone maintenance, unless the maintenance has been certified by the signing of a maintenance release pursuant to Section 571.10.

**(2)** Where a maintenance release is conditional on the satisfactory completion of a test flight pursuant to subsection 571.10(4), the aircraft may be operated for the purpose of the test flight if no person is carried on board other than flight crew members and persons necessary for the purpose of making observations that are essential to the test flight.

**(3)** Following a test flight conducted pursuant to subsection (2), the pilot-in-command shall enter the results of the test flight in the journey log and, where the entry indicates that the results of the test flight are satisfactory, that entry completes the maintenance release required by subsection (1).

**(4)** No maintenance release is required in respect of tasks identified as elementary work in the *Aircraft Equipment and Maintenance Standards*.

#### **605.86 Maintenance Schedule**

**(1)** Subject to subsection (3), no person shall conduct a take-off in an aircraft, or permit a take-off to be conducted in an aircraft that is in the person's legal custody and control, unless the aircraft is maintained in accordance with

(a) a maintenance schedule that conforms to the *Aircraft Equipment and Maintenance Standards*; and

(b) where the aircraft is operated under Subpart 6 of Part IV or under Part VII, or is a large aircraft, a turbine-powered pressurized aircraft or an airship, a maintenance schedule approved by the Minister in respect of the aircraft operator pursuant to subsection (2).

**(2)** The Minister shall approve a maintenance schedule in respect of an aircraft if the schedule conforms to the *Aircraft Equipment and Maintenance Standards*.

**(3)** The Minister shall authorize an operator to deviate from the requirements of the applicable maintenance schedule where the operator

(a) submits a request in writing to the Minister in accordance with the *Aircraft Equipment and Maintenance Standards*; and

(b) demonstrates that the deviation will not affect aviation safety.

#### **605.87 Transfer of Aeronautical Products between Maintenance Schedules**

No aeronautical product shall be maintained in accordance with a maintenance schedule that is different from the one under which it was previously maintained unless

(a) the aeronautical product has been subjected to an inspection that establishes it on the new maintenance schedule; and

(b) the times remaining until each action on the new maintenance schedule is to be taken have been established in accordance with the *Aircraft Equipment and Maintenance Standards*.

### **605.88 Inspection after Abnormal Occurrences**

(1) No person shall conduct a take-off in an aircraft that has been subjected to any abnormal occurrence unless the aircraft has been inspected for damage in accordance with Appendix G of the *Aircraft Equipment and Maintenance Standards*.

(2) Where the inspection referred to in subsection (1) does not involve disassembly, it may be performed by the pilot-in-command.

### **605.89 to 605.91 Reserved**

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## **Division IV - Technical Records**

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### **605.92 Requirement to Keep Technical Records**

(1) Every owner of an aircraft shall keep the following technical records in respect of the aircraft:

(a) a journey log;

(b) subject to subsections (2) and (3), a separate technical record for the airframe, each installed engine and each variable-pitch propeller; and

(c) except where otherwise provided under the terms of a fleet empty weight and balance program referred to in subsection 706.06(3), an empty weight and balance report that meets the applicable standards set out in Standard 571 - Maintenance.

(2) The technical records required by paragraph (1)(b) may consist of separate technical records for each component installed in the airframe, engine or propeller.

**(3)** In the case of a balloon or a glider, or an aircraft operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, all entries in respect of the technical records referred to in paragraphs (1)(b) and (c) may be kept in the journey log.

[Effective 2019/05/29 - Previous Version Date 2002/03/01][Amended 2002/03/01 - Previous Version Date 1996/10/10]

[SOR/2002-112, s. 14; SOR/2019-122, s. 21.]

### **605.93 Technical Records - General**

**(1)** Every person who makes an entry in a technical record shall

(a) make the entry accurately, legibly and in a permanent manner;

(b) enter the person's name and signature or employee identifier or, where the record is kept as electronic data, enter the person's user code or an equivalent security designation;  
and

(c) date the entry.

**(2)** Where the owner of an aircraft keeps the technical records for the aircraft as electronic data, the owner shall ensure that the electronic data system that is used complies with Section 103.04 and the *Aircraft Equipment and Maintenance Standards*.

**(3)** The owner of an aircraft shall ensure that all of the necessary measures are taken to protect the technical records for the aircraft from damage and loss.

**(4)** Every person who brings into use a new volume of an existing technical record shall make the entries relating to the preceding volume that are necessary to ensure that an unbroken chronological record is maintained.

**(5)** Subject to subsection (6), where a person alters an entry on a technical record for the purpose of correcting the entry, the person shall do so by striking out the incorrect entry in such a manner that the underlying information remains legible, and inserting the correct entry together with

(a) the date of the alteration;

(b) the reason for the alteration, if it is necessary to clarify why the alteration was made;  
and

(c) the person's name and signature or employee identifier or, where the record is kept as electronic data, the person's user code or equivalent security designation.

(6) Where a correction referred to in subsection (5) is being made to a technical record that is maintained as electronic data, the correction shall be made in a manner that does not render the original data inaccessible.

### **605.94 Journey Log Requirements**

(1) The particulars set out in column I of an item in Schedule I to this Division shall be recorded in the journey log at the time set out in column II of the item and by the person responsible for making entries set out in column III of that item.

(2) No person shall make a single entry in a journey log in respect of a series of flights unless

(a) the aircraft is operated by the same pilot-in-command throughout the series; or

(b) a daily flight record is used pursuant to Section 406.56.

(3) The owner of an aircraft shall retain every entry in a journey log for a period of not less than one year.

(4) Unless recorded in the operational flight plan or operational flight data sheet, the pilot-in-command of an aircraft engaged in a commercial air service and operating in international flight shall record in the journey log the following particulars in respect of each flight:

(a) the names of all of the crew members and their duty assignments;

(b) the places and times of departure and arrival;

(c) the flight time;

(d) the nature of the flight, such as private, aerial work, scheduled or non-scheduled; and

(e) any incidents or observations relating to the flight.

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 23.]

### **605.95 Journey Log - Carrying on Board**

(1) Subject to subsection (2), no person shall conduct a take-off in an aircraft unless the journey log is on board the aircraft.

(2) A person may conduct a take-off in an aircraft without carrying the journey log on board



where

(a) it is not planned that the aircraft will land and shut down at any location other than the point of departure; or

(b) the aircraft is a balloon and the journey log is immediately available to the pilot-in-command

(i) prior to commencing a flight, and

(ii) on completion of the flight.

### **605.96 Requirements for Technical Records Other than the Journey Log**

**(1)** The particulars set out in column I of an item in Schedule II to this Division shall be recorded in the appropriate technical record at the time set out in column II of the item and by the person responsible for making entries set out in column III of that item.

**(2)** Where particulars of any maintenance performed on an aircraft are transferred from the journey log at the time set out in column II of item 4 of Schedule II to this Division, the person responsible for the entry shall

(a) transcribe the particulars and include the name and identification number of the person who made the original entry; or

(b) where the pages of the journey log have detachable copies, attach the copy of the page containing these particulars to the applicable technical record.

**(3)** Where a component is installed on a higher assembly, the technical record for that component shall become a part of the technical record for the higher assembly.

**(4)** Except in the case of the journey log, the owner of an aircraft shall retain each technical record for the applicable period set out in the *Aircraft Equipment and Maintenance Standards*.

### **605.97 Transfer of Records**

Every owner of an aircraft who transfers title of an aircraft, airframe, engine, propeller or appliance to another person shall, at the time of transfer, also deliver to that person all of the technical records that relate to that aeronautical product.

### **605.98 to 605.110 Reserved**

**Schedule I - Journey Log**

(Paragraph 604.127(i), Subsection 605.94(1) and Item 3 of Schedule II)

	<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Item</b>	<b>Particulars to be Entered</b>	<b>Time of Entry</b>	<b>Person Responsible for Entry</b>
1.	Aircraft nationality and registration marks Aircraft manufacturer, type, model and serial number	On starting to keep a journey log and on bringing a new volume of an existing log into use	The owner of the aircraft
2.	Except where an approved fleet empty weight and balance control program is in place, aircraft empty weight and empty centre of gravity and any change in the aircraft empty weight and empty centre of gravity	On starting to keep a journey log and on bringing a new volume of an existing log into use and, when a change is made, as soon as practicable after the change but, at the latest, before the next flight	The owner of the aircraft and, for any change, the person who made the change
3.	Where an additional flight authority has been issued in respect of an aircraft under Section 507.08, any change in the flight authority in effect	On changing the flight authority in effect	The person who made the change
4.	Air time of each flight or series of flights and cumulative total air time and, where applicable, number of operating cycles or landings since date of manufacture	Daily, on completing each flight or series of flights	The pilot-in-command of the aircraft or a person designated by an air operator, a private operator or a flight training unit

5.	<p>Except where an equivalent technical dispatch procedure is in place in accordance with Section 706.06,</p> <p>(a) a description of the applicable maintenance schedule; and</p> <p>(b) the date, air time, operating cycle or landing at which the next scheduled maintenance action is required</p>	<p>On bringing the maintenance schedule into use and on completing each scheduled maintenance action referred to in column I of this item</p>	<p>The owner of the aircraft</p>
6.	<p>Particulars of any abnormal occurrence to which the aircraft has been subjected</p>	<p>As soon as practicable after the abnormal occurrence but, at the latest, before the next flight</p>	<p>The pilot-in-command of the aircraft or, where the abnormal occurrence took place during maintenance, the operator of the aircraft at the time of the occurrence</p>
7.	<p>Particulars relating to a conditional maintenance release signed in accordance with Section 571.10</p>	<p>As soon as practicable after the aircraft has received a conditional maintenance release for a test flight, but at the latest, prior to that test flight</p>	<p>The person who signed the conditional maintenance release</p>
8.	<p>Particulars relating to the results of a test flight entered pursuant to subsection 605.85(3)</p>	<p>On completing the test flight but, at the latest, before the next flight</p>	<p>The pilot-in-command of the aircraft who conducted the test flight</p>
9.	<p>Particulars of any defect in</p>	<p>As soon as practicable</p>	<p>The pilot-in-command of</p>

	any part of the aircraft or its equipment that becomes apparent during flight operations	after the defect is discovered but, at the latest, before the next flight	the aircraft
10.	Except where a technical dispatch procedure is in place in accordance with Section 706.06, the particulars of any defect in any part of the aircraft or its equipment that is not rectified before the next flight	Before the next flight	The person who discovered the defect
11.	Particulars of any maintenance action or elementary work performed in respect of items 2, 6, 9, and 10	As soon as practicable after the maintenance action or elementary work is performed but, at the latest, before the next flight	The person who performed the maintenance action or elementary work and, where applicable, the person signing the maintenance release

[Effective 2015/08/30 - Previous Version dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 2006/06/30][Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 24; SOR/2014-131, s. 22; SOR/2015-160, s. 30]

## Schedule II - Technical Record for an Airframe, Engine, Propeller or Component

(Subsection 605.96(1) and (2))

	Column I	Column II	Column III
Item	Particulars to be Entered	Time of Entry	Person Responsible for Entry
1.	Aircraft manufacturer, type, model designation	On starting to keep a technical record and on	The owner of the aircraft

	<p>and serial number and, in the case of an airframe, aircraft nationality and registration marks</p> <p>In the case of an engine, propeller or component, the identification number of the aircraft or higher assembly on which the aeronautical product is, or has been, installed</p> <p>Any features of the configuration of the airframe, engine, propeller or component that would affect its use or its suitability for installation on a higher assembly</p>	<p>bringing a new volume of an existing record into use, after any change in the data on the manufacturer's data plate or following the installation or removal of an engine, propeller or component</p>	
2.	<p>The details outlining the scheduling provisions of any airworthiness directive applicable to the airframe, engine, propeller or component, or to any airframe, engine, propeller or component of the same type, and any part thereof</p>	<p>On the coming into effect of the airworthiness directive</p>	<p>The owner of the aircraft</p>
3.	<p>The particulars of any abnormal occurrence to which the airframe, engine, propeller or component has been subjected and that has been recorded in the journey log pursuant to</p>	<p>No later than 30 days after the abnormal occurrence</p>	<p>The owner of the aircraft</p>

	item 6 of Schedule I		
4.	The particulars of any maintenance performed, including the particulars of any maintenance performed in order to comply with the requirements of an airworthiness directive	As soon as practicable after the maintenance action is performed but, at the latest, before the next flight or, in the case of particulars transferred from the journey log, no later than 30 days after the maintenance action is performed	The person who performed the maintenance action or, in a case where particulars are transferred from the journey log, the owner of the aircraft
5.	Total air time and, where applicable, the number of operating cycles or landings since date of manufacture, at the time of each abnormal occurrence or maintenance action recorded pursuant to item 3 or 4	No later than 30 days after the abnormal occurrence or maintenance action	The person responsible for the entry pursuant to item 3 or 4

[Amended 2006/06/30 - Previous Version Dated 1996/10/10]

[SOR/2006-77, s. 24.]

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## Subpart 6 - Miscellaneous

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### 606.01 Munitions of War

No person shall carry weapons, ammunition or other equipment designed for use in war on board an aircraft unless the aircraft is a Canadian aircraft or the Minister has authorized the carriage of such equipment.

### 606.02 Liability Insurance

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**(1)** This Section applies to every owner of an aircraft, other than a remotely piloted aircraft, that is registered in Canada or registered under the laws of a foreign state and operated in Canada, if the owner is not required to subscribe to liability insurance in respect of the aircraft under Section 7 of the *Air Transportation Regulations*.

**(2)** Subject to subsection (3), none of the following aircraft owners shall operate an aircraft unless, in respect of every incident related to the operation of the aircraft, the owner has subscribed for liability insurance covering risks of injury to or death of passengers in an amount that is not less than the amount determined by multiplying \$300,000 by the number of passengers on board the aircraft:

(a) an air operator;

(b) the holder of a flight training unit operator certificate; or

(c) the operator of a balloon in which fare-paying passengers are carried on board pursuant to Subpart 3.

**(3)** The insurance coverage referred to in subsection (2) need not extend to any passenger who

(a) is an employee of an owner referred to in paragraph (2)(a), (b) or (c), if workers' compensation legislation governing a claim for damages against the owner by the employee is applicable; or

(b) is carried on board the aircraft for the purpose of conducting a parachute descent, where the air operator has posted a readily visible notice to inform passengers, before embarking, that there is no insurance coverage for parachutists.

**(4)** No aircraft owner not referred to in paragraph (2)(a), (b) or (c) shall operate an aircraft of more than 2 268 kg (5,000 pounds) maximum permissible take-off weight unless the owner has, in respect of the aircraft, subscribed for liability insurance covering risks of injury to or death of passengers, other than passengers carried on board that aircraft for the purpose of conducting a parachute descent, in an amount not less than the amount determined by multiplying \$300,000 by the number of passengers on board the aircraft.

**(5)** No aircraft owner referred to in paragraph (2)(a), (b) or (c) shall operate an aircraft unless, in respect of every incident related to the operation of the aircraft, the owner has subscribed for liability insurance covering risks of public liability in an amount that is not less than

(a) \$1,000,000, where the maximum permissible take-off weight of the aircraft is not greater than 3 402 kg (7,500 pounds);

(b) \$2,000,000, where the maximum permissible take-off weight of the aircraft is greater than 3 402 kg (7,500 pounds) but not greater than 8 165 kg (18,000 pounds); and

(c) where the maximum permissible take-off weight of the aircraft is greater than 8 165 kg (18,000 pounds), \$2,000,000 plus an amount determined by multiplying \$150 by the number of pounds by which the maximum permissible take-off weight of the aircraft exceeds 8 165 kg (18,000 pounds).

**(6)** No aircraft owner referred to in paragraph (2)(a), (b) or (c) shall, in order to comply with subsections (2), (4) and (5), subscribe for any liability insurance that contains an exclusion or waiver provision that reduces the insurance coverage for any incident below the applicable minimum determined pursuant to those subsections, unless that provision

(a) is a standard exclusion clause adopted by the international aviation insurance industry that applies in respect of

- (i) war, hijacking and other perils,
- (ii) noise, pollution and other perils, or
- (iii) radioactive contamination;

(b) is in respect of a chemical drift;

(c) includes a statement that the insurance does not apply in respect of liability assumed by the owner under any contract or agreement unless the liability would have attached to the owner even in the absence of such a contract or agreement; or

(d) includes a statement that the policy is void if the owner has concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof or if there is any fraud, attempted fraud or false statement by the owner touching any matter relating to the insurance or the subject thereof, either before or after an incident.

**(7)** An aircraft owner referred to in paragraph (2)(a), (b) or (c) may comply with subsections (2), (4) and (5) by subscribing for comprehensive single limit liability insurance that consists of a single policy or a combination of primary and supplementary policies.

**(8)** No aircraft owner not referred to in paragraph (2)(a), (b) or (c) shall operate an aircraft unless, in respect of every incident related to the operation of the aircraft, the owner has subscribed for liability insurance covering risks of public liability in an amount that is not less



than

- (a) \$100,000, where the maximum permissible take-off weight of the aircraft is 1 043 kg (2,300 pounds) or less;
- (b) \$500,000, where the maximum permissible take-off weight of the aircraft is greater than 1 043 kg (2,300 pounds) but not greater than 2 268 kg (5,000 pounds);
- (c) \$1,000,000, where the maximum permissible take-off weight of the aircraft is greater than 2 268 kg (5,000 pounds) but not greater than 5 670 kg (12,500 pounds);
- (d) \$2,000,000, where the maximum permissible take-off weight of the aircraft is greater than 5 670 kg (12,500 pounds) but not greater than 34 020 kg (75,000 pounds); and
- (e) \$3,000,000, where the maximum permissible take-off weight of the aircraft is greater than 34 020 kg (75,000 pounds).

**(9)** Subject to subsection (10), no owner or operator of an aircraft shall operate the aircraft unless there is carried on board the aircraft proof that liability insurance is subscribed for in accordance with this Section.

**(10)** A balloon may be operated without the proof of insurance referred to in subsection (9) being carried on board if that proof is immediately available to the pilot-in-command

(a) prior to commencing a flight; and

(b) on completion of a flight.

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]

[SOR/2019-11, s. 20.]

### **606.03 Synthetic Flight Training Equipment**

**(1)** Except in the case of a remotely piloted aircraft system, no person shall use synthetic flight training equipment to provide training or to conduct a skills assessment required under Part IV, this Part or Part VII, unless there is in force in respect of that equipment a flight simulator certificate or flight training device certificate issued under subsection (2) or an equivalent approval or certificate issued under the laws of a foreign state with which Canada has an agreement respecting such equipment.

**(2)** The Minister shall, where it is determined that the synthetic flight training equipment meets the standards set out for that equipment in the *Aeroplane and Rotorcraft Simulator Manual*, issue to the operator of that equipment a flight simulator certificate or flight training device

certificate.

**(3)** A certificate issued pursuant to subsection (2) shall set out the following information:

- (a) the name of the operator of the synthetic flight training equipment;
- (b) the type, model or series number of aircraft represented;
- (c) the qualification level of the synthetic flight training equipment; and
- (d) the date of issuance of the certificate.

**(4)** No certificate issued pursuant to subsection (2) remains in force unless the synthetic flight training equipment in respect of which the certificate has been issued

- (a) maintains the performance, function and other characteristics that are required for the issuance of the certificate, except in the cases set out in the *Simulator Component Inoperative Guide* (SCIG);
- (b) is maintained in accordance with the procedures set out in the *Aeroplane and Rotorcraft Simulator Manual*; and
- (c) is changed as required, where the aircraft type, model or series number represented by the synthetic flight training equipment undergoes a change as a result of the issuance of an airworthiness directive or an amendment to this Part or Part VII that affects the training being conducted.

**(5)** A certificate issued pursuant to subsection (2) remains in force where the synthetic flight training equipment in respect of which the certificate has been issued is re-evaluated

- (a) in the case of a flight simulator, at least every six months; or
- (b) in the case of a flight training device, at least every 12 months.

**(6)** Subject to subsection (7), the certificate referred to in subsection (5) remains in force

- (a) in the case of a flight simulator, until the first day of the seventh month following the month in which the flight simulator was evaluated; or
- (b) in the case of a flight training device, until the first day of the thirteenth month following the month in which the flight training device was evaluated.

**(7)** The Minister may extend the period in respect of which a flight simulator certificate or a

flight training device certificate is in force by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.

[Effective 2019/01/09 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 1996/10/10]

[SOR/2014-131, s. 23.; SOR/2019-11, s.21.]

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## Part VII - Commercial Air Services

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### Division I - General

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#### 700.01 Interpretation

In this Part,

"acclimatized" - describes a flight crew member whose biorhythm is aligned with local time; (*acclimaté*)

[Effective 2020/12/12 - No previous Version]

"all-cargo aeroplane" - means an aeroplane that is equipped and used mainly for the carriage of goods; (*avion tout-cargo*)

[Amended 2003/04/09 - No previous Version]

"areas of operation" - means areas in which operations are conducted between points in Canada, between points in Canada and points abroad, and between points abroad; (*régions d'exploitation*)

"class 1 rest facility" - means a bunk or other horizontal surface located in an area that

(a) is separated from the flight deck and passenger cabin;

(b) has devices to control the temperature and light; and

(c) is subject to a minimal level of noise and other disturbances; (*poste de repos de classe 1*)

[Effective 2020/12/12 - No previous Version]

"class 2 rest facility" - means a seat that allows for a horizontal sleeping position in an area that

(a) is separated from passengers by a curtain or other means of separation that reduces light and sound;

(b) is equipped with portable oxygen equipment; and

(c) minimizes disturbances by passengers and crew members; (*poste de repos de classe 2*)

[Effective 2020/12/12 - No previous Version]

"class 3 rest facility" - means a seat that reclines at least 40° from vertical and that has leg and foot support; (*poste de repos de classe 3*)

[Effective 2020/12/12 - No previous Version]

"early duty" - means hours of work that begin between 02:00 and 06:59 at the location where the flight crew member is acclimatized; (*service de début de journée*)

[Effective 2020/12/12 - No previous Version]

"employed on a full-time basis" - means working for an air operator on a continuous basis for at least the number of hours required to carry out the duties of the position for the safe operation of the commercial air service; (*employé à temps plein*)

"extended charter" - means the charter of a Canadian commercial aircraft to a Canadian or foreign air operator for a period of 21 days or more in order to supplement the fleet of the charterer; (*affrètement de durée prolongée*)

"farmer" - means a person whose primary source of income is derived from the tillage of the soil, the raising of livestock or poultry, dairy farming, the growing of grain, fruit, vegetables or tobacco, or any other operation of a similar nature; (*agriculteur*)

"flight crew member on reserve" - means a flight crew member who has been designated by an air operator to be available to report for flight duty on notice of more than one hour; (*membre d'équipage de conduite en réserve*)

"late duty" - means hours of work that end between midnight and 01:59 at the location where the flight crew member is acclimatized; (*service de fin de journée*)

[Effective 2020/12/12 - No previous Version]

"local night's rest" - means a rest period of at least nine hours that takes place between 22:30 and 09:30 at the location where the flight crew member is acclimatized; ( *NUIT DE REPOS LOCALE*)

[Effective 2020/12/12 - No previous Version]

"main base" - means a location at which an air operator has personnel, aircraft and facilities for the conducting of aerial work or the operation of an air transport service and that is established as the principal place of business of the air operator; (*base principale*)

[Amended 2009/05/28 - No previous Version]

"net take-off flight path" - means the one-engine-inoperative flight path that starts at a height of 35 feet at the end of the take-off distance required and extends to a height of at least 1,500 feet AGL, reduced at each point by a gradient of climb equal to 0.8 per cent for two-engined aeroplanes, 0.9 per cent for three-engined aeroplanes and 1.0 per cent for four-engined aeroplanes; (*trajectoire nette de décollage*)

"night duty" - means hours of work that begin between 13:00 and 01:59 and that end after 01:59 at a location where the flight crew member is acclimatized; (*service de nuit*)

[Effective 2020/12/12 - No previous Version]

"operations between points abroad" - means air service operations that are conducted wholly outside Canada for any length of time; (*exploitation entre points à l'étranger*)

"reserve availability period" - means the period in any period of 24 consecutive hours during which a flight crew member on reserve is available to report for flight duty; (*période de disponibilité en réserve*)

[Effective 2020/12/12 - No previous Version]

"reserve duty period" - means the period that begins at the time that a flight crew member on reserve is available to report for flight duty and ends at the time that the flight duty period ends; (*période de service en réserve*)

[Effective 2020/12/12 - No previous Version]

"single day free from duty" - means time free from duty from the beginning of the first local night's rest until the end of the following local night's rest; (*journée isolée sans service*)

[Effective 2020/12/12 - No previous Version]

"sub-base" - means a location at which an air operator positions aircraft and personnel and from which operational control is exercised in accordance with the air operator's operational control system; (*base secondaire*)

"types of operation" - means VFR, VFR at night and IFR operations; (*types de vols*)

"types of service" - means a domestic service, a scheduled international service, a non-scheduled international service and a sightseeing operation. (*types de service*)

"window of circadian low" - means the period that begins at 02:00 and ends at 05:59 at the location where the flight crew member is acclimatized; (*phase de dépression circadienne*)

[Effective 2020/12/12 - No previous Version]

[SOR/2003-121, s. 1; SOR/2009-152, s. 2; SOR/2018-269, s. 10.]

### **700.01.1 Exception - Remotely Piloted Aircraft Systems**

This Part does not apply in respect of the operation of remotely piloted aircraft systems that include remotely piloted aircraft having a maximum take-off weight 25 kg (55 pounds) or less.

[Effective 2019/01/09 (In Force 2019/06/01) - No previous Version]

[SOR/2019-11, s. 22.]

### **700.02 Requirements for Air Operator Certificate**

**(1)** No person shall operate an air transport service unless the person holds and complies with the provisions of an air operator certificate that authorizes the person to operate that service.

**(2)** Subject to subsections (3) and (4), no person shall, unless the person holds and complies with the provisions of an air operator certificate that authorizes the person to do so, operate an aeroplane or helicopter to conduct aerial work involving

- (a) the carriage on board of persons other than flight crew members;
- (b) the carriage of helicopter Class B, C or D external loads;
- (c) the towing of objects; or
- (d) the dispersal of products.

**(3)** A person who does not hold an air operator certificate may conduct aerial work involving the dispersal of products if

- (a) the person is a farmer;
- (b) the person owns the aircraft that is used to disperse the products;
- (c) the products are dispersed for agricultural purposes; and
- (d) the dispersal of the products takes place within 25 miles of the centre of the person's farm.

**(4)** A person who holds a flight training unit operator certificate may conduct aerial work

involving the carriage of persons other than flight crew members on board a single-engined aircraft if

(a) the pilot-in-command is the holder of a valid flight instructor rating in the appropriate category of aircraft;

(b) the aircraft is operated in day VFR flight;

(c) there are no more than nine passengers on board; and

(d) the flight is conducted for the purpose of sightseeing operations.

**(5)** Despite subsections (1) and (2), a person who does not hold an air operator certificate may operate an air transport service, or operate an aeroplane or helicopter to conduct aerial work involving the transport of passengers or goods, if

(a) the person holds a private operator registration document;

(b) the person operates the air transport service or conducts the aerial work under a management agreement with another person who has transferred to that person legal custody and control of the aircraft used to operate the service or to conduct the work;

(c) the management agreement provides that the air transport service is operated or the aerial work is conducted exclusively in support of the activities of the person who has transferred legal custody and control of the aircraft; and

(d) no payment is made in relation to the air transport service or the aerial work to a party to the management agreement by or on behalf of a passenger or the owner of a transported good unless the passenger or the owner is the person who has transferred legal custody and control of the aircraft.

[Amended 2020/12/09 - Previous Version Dated 2014/05/29][Amended 2014/05/29 - Previous Version Dated 2004/02/24][Amended 2004/02/24 - Previous Version Dated 1999/06/01][Amended 1999/06/01 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 1; SOR/2004-29, s. 7(E); SOR/2014-131, s. 24; SOR/2020-253, s. 9.]

### **700.03 Authorization to Operate Specialty Air Service Under CUSMA**

[SOR/2020-150, s. 3.]

**(1)** A person who is a citizen, permanent resident or corporation of the United States of America or Mexico and who is eligible to operate a specialty air service in Canada in accordance with Chapter 15 and Annex I - Schedule of Canada of CUSMA shall, prior to operating the service, obtain from the Minister an authorization to operate the service. The request for the authorization shall be in the form and shall contain the information specified in the *Commercial*

*Air Service Standards.*

**(2)** The Minister may, on receipt of a request referred to in subsection (1) and where the requirements of the *Commercial Air Service Standards* are met, issue an authorization containing the conditions under which the specialty air service may be operated.

**(3)** An authorization referred to in subsection (1) is required in addition to an air operator certificate for those persons who are required to hold an air operator certificate pursuant to Subpart 2.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-150, s. 5.]

### **700.04 Eligibility for Air Operator Certificate**

**(1)** A Canadian is eligible to hold an air operator certificate.

**(2)** A person who is a citizen, permanent resident or corporation of a foreign state is eligible to hold an air operator certificate that authorizes the person to operate an air transport service in Canada if the person

(a) holds a similar document of entitlement issued by the foreign state; and

(b) meets the requirements of Subpart 1.

**(3)** A person who is a citizen, permanent resident or corporation of the United States of America or Mexico is eligible to hold an air operator certificate that authorizes the person to conduct aerial work in Canada if

(a) the aerial work is a specialty air service for which the person may obtain an operating certificate in accordance with Chapter 15 and Annex I - Schedule of Canada of CUSMA; and

(b) the person meets the requirements of Subpart 2.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-150, s. 5.]

### **700.05 Aircraft Requirements**

**(1)** Subject to subsection (3), no Canadian air operator shall operate an aircraft in a commercial air service unless

[Amended 2002/03/01 - Previous Version Dated 1996/10/10]

(a) a certificate of airworthiness that meets the requirements of Article 31 of the



Convention has been issued for the aircraft; and

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(b) in the case of an aircraft registered in another contracting state, the Minister has authorized its operation under Part II and, where a Canadian type certificate has not been issued for the aircraft type, the aircraft has been approved for operation under Part V.

(2) No air operator that is a citizen, permanent resident or corporation of a foreign state shall operate an aircraft in a commercial air service in Canada unless

(a) the aircraft is registered in Canada under Part II or in the foreign state; and

(b) where a Canadian type certificate has not been issued for the aircraft type, the aircraft has been approved for operation under Part V.

(3) The Minister may authorize the operation of an aircraft in aerial work under Subpart 2 if

(a) a special certificate of airworthiness in the restricted or limited classification has been issued in respect of the aircraft; or

(b) a foreign flight authority that is the equivalent of a special certificate of airworthiness in the restricted or limited classification has been issued in respect of the aircraft and validated by the Minister under Section 507.05.

[Amended 2002/03/01 - No Previous Version]

[SOR/2002-112, s. 15.]

### **700.06 Extended Charter**

No air operator shall operate an aircraft on an extended charter unless the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **700.07 Management Agreement**

No air operator shall manage another air operator's operation unless the air operator that manages the operation

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **700.08 Operations between Points Abroad**

No air operator shall operate an air service between points abroad unless the air operator

- (a) is authorized to do so in its air operator certificate; and
- (b) complies with the *Commercial Air Service Standards*.

### **700.09 Duties of Certificate Holder**

**(1)** The holder of an air operator certificate issued under Section 702.07, 703.07, 704.07 or 705.07 shall

(a) appoint an operations manager and, where the holder does not hold an approved maintenance organization (AMO) certificate, a maintenance manager; and

(b) ensure that the operations manager meets the requirements of

(i) Section 722.07 of Standard 722 - Aerial Work of the *Commercial Air Service Standards*,

(ii) Section 723.07 of Standard 723 - Air Taxi - Aeroplanes of the *Commercial Air Service Standards*,

(iii) Section 723.07 of Standard 723 - Air Taxi - Helicopters of the *Commercial Air Service Standards*,

(iv) Section 724.07 of Standard 724 - Commuter Operations - Aeroplanes of the *Commercial Air Service Standards*,

(v) Section 724.07 of Standard 724 - Commuter Operations - Helicopters of the *Commercial Air Service Standards*, or

(vi) Section 725.07 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*;

(c) ensure that the maintenance manager meets the requirements of Section 726.03 of Standard 726 - Air Operator Maintenance of the *Commercial Air Service Standards*;

(d) in the case of the holder of an air operator certificate issued under Section 705.07, ensure that the operations manager performs the duties set out in subsection 705.03(2);

(e) in the case of the holder of an air operator certificate issued under Section 705.07 who is

also the holder of an approved maintenance organization (AMO) certificate issued under Section 573.02, ensure that the person responsible for maintenance performs the duties set out in Section 705.04;

(f) provide the operations manager and the maintenance manager with the financial and human resources necessary to ensure that the holder of the air operator certificate meets the requirements of these Regulations;

(g) authorize the maintenance manager to remove aircraft from operation, where the removal is justified because of non-compliance with the requirements of these Regulations or because of a risk to aviation safety or the safety of the public;

(h) ensure that corrective actions are taken in respect of any findings resulting from a quality assurance program established under Section 706.07 or a safety management system referred to in Section 705.151; and

(i) conduct reviews of the safety management system to determine its effectiveness.

**(2)** The maintenance manager appointed under paragraph (1)(a) shall be the person responsible for the maintenance control system of the air operator appointed under paragraph 706.03(1)(a).

**(3)** The holder of an air operator certificate issued under Section 705.07 shall ensure that the person managing the safety management system referred to in Section 705.153 performs the duties set out in that Section.

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[SOR/2005-173, s. 21; SOR/2005-357, s. 6(E); SOR/2019-295, s. 13.]

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## **Division II - Approach Bans**

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[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

### **700.10 Approach Bans - Non Precision, APV and CAT I Precision**

**(1)** For the purposes of subsection (3), the visibility with respect to an aeroplane is less than the minimum visibility required for a non-precision approach, an APV or a CAT I precision approach if, in respect of the advisory visibility specified in the *Canada Air Pilot* and set out in column I of an item in the table to this Section,

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for

the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(c) where no RVR for the runway of intended approach is available, the runway visibility is less than the visibility set out in column II of the item for the approach conducted; or

(d) where the aerodrome is located south of the 60<sup>th</sup> parallel of north latitude and no RVR or runway visibility for the runway of intended approach is available, the ground visibility at the aerodrome where the runway is located is less than the visibility set out in column II of the item for the approach conducted.

**(2)** For the purposes of subsection (3), the visibility with respect to a helicopter is less than the minimum visibility required for a non-precision approach, an APV or a CAT I precision approach if

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the surface of intended approach is less than 1,200 feet; or

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the surface of intended approach is less than 1,200 feet.

**(3)** Where the visibility is less than the minimum visibility set out in subsection (1) or (2), as applicable, no person shall continue a non-precision approach, an APV or a CAT I precision approach in an IFR aircraft unless

(a) at the time a visibility report is received, the aircraft has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted;

(b) the aircraft is on a training flight where a landing is not intended and the appropriate air traffic control unit is informed that a missed approach procedure will be initiated at or above the decision height or minimum descent altitude, as appropriate;

(c) the RVR is varying between distances less than and greater than the minimum RVR;

(d) where the aerodrome is located south of the 60<sup>th</sup> parallel of north latitude and no RVR or runway visibility for the runway of intended approach is available, the ground visibility at the aerodrome where the runway is located is reported to vary between distances less than

and greater than the minimum visibility;

(e) a localized meteorological phenomenon is affecting the ground visibility to the extent that the visibility on the approach to the runway of intended approach and along that runway, as observed by the pilot-in-command in flight and reported immediately to ATS, if available, is equal to or greater than the advisory visibility specified in the *Canada Air Pilot* in respect of the runway of intended approach for the instrument approach procedure conducted; or

(f) the approach is conducted in accordance with Section 703.41, 704.37 or 705.48.

**(4)** No pilot-in-command of an IFR aircraft operated under this Part shall commence a non-precision approach, an APV or a CAT I precision approach to an airport where low-visibility procedures are in effect.

**Table - Approach Bans - Visibility**

	Column I		Column II	
	<i>Canada Air Pilot</i> Advisory Visibility		Visibility Report	
Item	Statute miles	RVR in feet	Statute miles	Feet
1.	1/2	2 600	3/8	1 600
2.	3/4	4 000	5/8	3 000
3.	1	5 000	3/4	4 000
4.	1 1/4		1	5 000
5.	1 1/2		1 1/4	6 000
6.	1 3/4		1 1/2	greater than 6 000
7.	2		1 1/2	greater than 6 000
8.	2 1/4		1 3/4	greater than 6 000
9.	2 1/2		2	greater than 6 000

10.	2 3/4		2 1/4	greater than 6 000
11.	3		2 1/4	greater than 6 000

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[SOR/2006-199, s. 15.]

### **700.11 Approach Bans - CAT II and CAT III Precision**

No pilot-in-command of an IFR aircraft operated under this Part who is conducting a CAT II or CAT III precision approach shall continue the approach beyond the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted, unless the RVR is equal to or greater than the minimum RVR specified in the *Canada Air Pilot* in respect of the runway or surface of intended approach for the instrument approach procedure conducted.

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[SOR/2006-199, s. 15.]

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## **Division II.1 - Portable Electronic Devices**

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### **700.12**

Despite subsection 602.08(1), an air operator that operates an aircraft under Subpart 3, 4 or 5 of Part VII may permit the use of a PED on board an aircraft if the air operator has validated that the use of the PED will not adversely affect the operation of the aircraft or the functioning of the aircraft's systems or equipment during any phase of the flight.

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[SOR/2019-296, s. 7.]

#### **700.12.1**

An air operator that permits the use of a PED shall keep an up-to-date record of the following and provide a copy to the Minister on request:

- (a) the type, series and model of aircraft on which the air operator permits the use of a PED;
- and

(b) for each aircraft referred to in paragraph (a), documents demonstrating that the use of a PED will not adversely affect the operation of the aircraft or the functioning of the aircraft's systems or equipment during any phase of the flight.

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[SOR/2019-296, s. 7.]

### **700.12.2**

If an air operator suspects that a PED whose use it has permitted may adversely affect, or is adversely affecting, the operation of an aircraft or the functioning of an aircraft's systems or equipment, the air operator shall

(a) immediately prohibit the use of the PED; and

(b) as soon as practicable, submit to the Minister a report of the adverse effects on the operation of the aircraft or the functioning of the aircraft's systems or equipment that are caused, or possibly caused, by the use of the PED.

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[SOR/2019-296, s. 7.]

### **700.13 to 700.18 Reserved**

[Effective 2020/12/12 - Previous Version Dated 2018/12/12][Effective 2018/12/12 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 13; SOR/2019-296, s. 11]

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## **Division III - Flight Crew Member Fatigue Management**

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[SOR/2006-199, s. 15; SOR/2018-269, s. 18.]

### **700.19 Non-application and Interpretation**

**(1)** This Division does not apply

(a) to an air operator who operates an aircraft under Subpart 2 of this Part or to a flight crew member who operates an aircraft under that Subpart; or

(b) to an air operator who conducts a medical evacuation flight or to a flight crew member who operates an aircraft to conduct such a flight.

**(2)** For the purposes of this Division, references to a time of day are

- (a) if a flight crew member is acclimatized, references to the local time at their location; or
- (b) if a flight crew member is not acclimatized, references to the local time at the last location where the member was acclimatized.

[SOR/2018-269, s. 13.]

### **700.20 Monitoring System and Records**

- (1)** An air operator shall have a system that monitors the flight times, flight duty periods, hours of work and rest periods of each of its flight crew members and shall include in its *Company Operations Manual* the details of that system.
- (2)** An air operator shall, for each flight crew member, keep a record of
  - (a) all flight times;
  - (b) the start and end times as well as the duration of each flight duty period;
  - (c) the start and end times as well as the duration of each duty period;
  - (d) the start and end times as well as the duration of each rest period; and
  - (e) all time free from duty.
- (3)** An air operator shall keep a record of all notifications provided to it by a pilot-in-command under subsection 700.63(4).
- (4)** An air operator shall keep the records referred to in this section for a period of 24 months after the day on which they are made.

[SOR/2018-269, s. 13.]

### **700.21 Air Operator Obligations - Scheduling**

- (1)** An air operator shall provide a flight crew member with their schedule sufficiently in advance for them to plan for adequate rest.
- (2)** An air operator shall, on a monthly basis, determine if a flight crew member's maximum flight duty period with respect to a flight is exceeded more than 10% of the time in a period of 90 consecutive days.
- (3)** If an air operator determines that more than 10% of a flight crew member's maximum flight duty periods are exceeded as a result of an unforeseen operational circumstance, the air



operator shall change the schedule or the flight crew member pairing for the flight not later than 28 days after the day on which the determination is made.

**(4)** If the air operator sets schedules on a seasonal basis, the changes referred to in subsection (3) may be delayed until the beginning of the same season in the following year.

[SOR/99-158, s. 3; SOR/2018-269, s. 13.]

### **700.22 to 700.25 Reserved**

[SOR/2018-269, s. 13.]

### **700.26 Fitness for Duty**

**(1)** An air operator shall not allow a flight crew member to begin a flight duty period if, before the beginning of the period, the member advises the air operator that they are fatigued to the extent that they are not fit for duty.

**(2)** A flight crew member shall advise every other flight crew member and the air operator as soon as the member becomes aware that they have become fatigued during a flight duty period to the extent that they are not fit for duty.

**(3)** If there is only one flight crew member on board the aircraft, and the member becomes aware during a flight duty period that they have become fatigued to the extent that they are not fit for duty, they shall advise the air operator immediately or, if the aircraft is in flight, as soon as possible after the aircraft has landed.

**(4)** If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time, maximum flight duty period or maximum number of hours of work being exceeded, the member or other person shall advise the air operator as soon as possible.

**(5)** If a flight crew member or any other person becomes aware that the member was not granted their rest period or time free from duty, the member or other person shall advise the air operator as soon as possible.

[SOR/2018-269, s. 13.]

### **700.27 Maximum Flight Time**

**(1)** An air operator shall not assign flight time to a flight crew member, and a flight crew member shall not accept such an assignment, if the member's total flight time will, as a result, exceed

- (a) 112 hours in any 28 consecutive days;
- (b) 300 hours in any 90 consecutive days;
- (c) 1,000 hours in any 365 consecutive days; or
- (d) in the case of a single-pilot operation, 8 hours in any 24 consecutive hours.

**(2)** For the purpose of subsection (1), a flight crew member’s flight time includes

- (a) the flight time accumulated from other flight operations; and
- (b) the total flight time of a flight with an augmented flight crew.

[SOR/2018-269, s. 13.]

### **700.28 Maximum Flight Duty Period**

**(1)** An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period exceeds the maximum flight duty period set out in this section.

**(2)** If the average duration of all scheduled flights is less than 30 minutes, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection is the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

**Table - Maximum Flight Duty Period - Average Flight Duration of Less Than 30 Minutes**

Item	Column 1 Start Time of Flight Duty Period	Column 2 1 to 11 Flights	Column 3 12 to 17 Flights	Column 4 18 or More Flights
1	24:00 to 03:59	9 hours	9 hours	9 hours
2	04:00 to 04:59	10 hours	9 hours	9 hours
3	05:00 to 05:59	11 hours	10 hours	9 hours
4	06:00 to 06:59	12 hours	11 hours	10 hours

5	07:00 to 12:59	13 hours	12 hours	11 hours
6	13:00 to 16:59	12.5 hours	11.5 hours	10.5 hours
7	17:00 to 21:59	12 hours	11 hours	10 hours
8	22:00 to 22:59	11 hours	10 hours	9 hours
9	23:00 to 23:59	10 hours	9 hours	9 hours

**(3)** If the average duration of all scheduled flights is 30 minutes or more but less than 50 minutes, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

**Table - Maximum Flight Duty Period - Average Flight Duration of 30 Minutes or More but Less Than 50 Minutes**

Item	Column 1 Start Time of Flight Duty Period	Column 2 1 to 7 Flights	Column 3 8 to 11 Flights	Column 4 12 or More Flights
1	24:00 to 03:59	9 hours	9 hours	9 hours
2	04:00 to 04:59	10 hours	9 hours	9 hours
3	05:00 to 05:59	11 hours	10 hours	9 hours
4	06:00 to 06:59	12 hours	11 hours	10 hours
5	07:00 to 12:59	13 hours	12 hours	11 hours
6	13:00 to 16:59	12.5 hours	11.5 hours	10.5 hours
7	17:00 to 21:59	12 hours	11 hours	10 hours
8	22:00 to 22:59	11 hours	10 hours	9 hours

9	23:00 to 23:59	10 hours	9 hours	9 hours
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**(4)** If the average duration of all scheduled flights is 50 minutes or more, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

**Table - Maximum Flight Duty Period - Average Flight Duration of 50 Minutes or More**

Item	Column 1 Start Time of Flight Duty Period	Column 2 1 to 4 Flights	Column 3 5 or 6 Flights	Column 4 7 or More Flights
1	24:00 to 03:59	9 hours	9 hours	9 hours
2	04:00 to 04:59	10 hours	9 hours	9 hours
3	05:00 to 05:59	11 hours	10 hours	9 hours
4	06:00 to 06:59	12 hours	11 hours	10 hours
5	07:00 to 12:59	13 hours	12 hours	11 hours
6	13:00 to 16:59	12.5 hours	11.5 hours	10.5 hours
7	17:00 to 21:59	12 hours	11 hours	10 hours
8	22:00 to 22:59	11 hours	10 hours	9 hours
9	23:00 to 23:59	10 hours	9 hours	9 hours

**(5)** For the purposes of subsections (2) to (4), a flight crew member is considered to be acclimatized if

(a) in the case of a time zone difference of less than four hours between local time and the

time at the last location where the member was acclimatized, any rest periods required under these Regulations have been provided and the member has spent 72 hours in the same time zone;

(b) in the case of a time zone difference of four hours or more between local time and the time at the last location where the member was acclimatized, any rest periods required under these Regulations have been provided and the member has spent 96 hours in the same time zone; or

(c) the member has spent 24 hours in the same time zone for each hour of difference between local time and the time at the last location where the member was acclimatized.

**(6)** For the purposes of subsections (2) to (4), positioning is not to be considered a flight.

**(7)** For the purposes of subsection (5), the Canadian time zones are Pacific, Mountain, Central, Eastern, and the Atlantic time zone, which includes Newfoundland and Labrador.

**(8)** The flight duty period for a flight crew member on standby begins at the time at which they report for duty at the location designated by the air operator.

**(9)** When all flights are conducted under day VFR, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2.

**Table - Maximum Flight Duty Period - Flights Conducted Under Day VFR**

<b>Item</b>	<b>Column 1 Start Time of Flight Duty Period</b>	<b>Column 2 Maximum Flight Duty Period</b>
1	24:00 to 03:59	9 hours
2	04:00 to 04:59	10 hours
3	05:00 to 05:59	11 hours
4	06:00 to 06:59	12 hours
5	07:00 to 12:59	13 hours
6	13:00 to 16:59	12.5 hours

7	17:00 to 21:59	12 hours
8	22:00 to 22:59	11 hours
9	23:00 to 23:59	10 hours

[SOR/2018-269, s. 13.]

### **700.29 Maximum Number of Hours of Work**

**(1)** An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if, as a result, the member's number of hours of work will exceed

- (a) 2,200 hours in any 365 consecutive days;
- (b) 192 hours in any 28 consecutive days;
- (c) 60 hours in any 7 consecutive days if the air operator has provided the member with the following time free from duty:
  - (i) 1 single day free from duty in any 168 consecutive hours, and
  - (ii) 4 single days free from duty in any 672 consecutive hours; or
- (d) 70 hours in any 7 consecutive days if the air operator has provided 120 consecutive hours free from duty, including 5 consecutive local nights' rest, in any 504 consecutive hours and if
  - (i) the member is not assigned early duty, late duty or night duty,
  - (ii) the member is not assigned a flight duty period greater than 12 hours, and
  - (iii) the member's maximum number of hours of work is 24 hours in any consecutive 48 hours.

**(2)** An air operator who has assigned to a flight crew member a flight duty period that will result in the member's number of hours of work exceeding those referred to in paragraph (1)(d) shall ensure that the member has 120 consecutive hours free from duty, including 5 consecutive local nights' rest, before assigning a flight duty period that will result in the member's number

of hours of work exceeding those referred to in paragraph (1)(c).

**(3)** A flight crew member's hours of work are to include

(a) in the case of a flight crew member on reserve, 33% of the time that they are in a reserve availability period; and

(b) in the case of a flight crew member on standby, 100% of the time that they are on standby.

[SOR/2018-269, s. 13.]

### **700.30 to 700.35 Reserved**

### **700.36 Home Base**

An air operator shall assign a home base for each of its flight crew members.

[SOR/2018-269, s. 13.]

### **700.37 Nutrition Break**

An air operator shall provide a flight crew member with not less than 15 minutes every 6 hours within a flight duty period to eat and drink.

[SOR/2018-269, s. 13.]

### **700.38 and 700.39 Reserved**

### **700.40 Rest Periods - General**

**(1)** An air operator shall provide a flight crew member with the following rest periods at the end of a flight duty period:

(a) if the flight duty period ends at home base,

(i) either 12 hours, or 11 hours plus the travel time to and from the place where the rest period is taken, or

(ii) if the air operator provides suitable accommodation, 10 hours in that suitable accommodation; and

(b) if the flight duty period ends away from home base, 10 hours in suitable accommodation.

**(2)** If an air operator assigns a duty to a flight crew member for a period - excluding the time

required for positioning - that exceeds by one hour or more the maximum flight duty period referred to in Section 700.28, the rest period shall be the longer of

(a) the maximum flight duty period plus the amount of time worked beyond the maximum flight duty period, and

(b) the rest period referred to in subsection (1).

**(3)** An air operator shall have a means to determine the travel time referred to in subparagraph (1)(a)(i).

**(4)** An air operator shall provide a flight crew member with advance notice of the member's rest period and its duration.

[SOR/2018-269, s. 13.]

### **700.41 Disruptive Schedules**

**(1)** In addition to the rest periods required under Section 700.40, an air operator shall provide a flight crew member with one local night's rest between

(a) the time at which late duty or night duty ends and the time at which the following early duty begins; or

(b) the time at which early duty ends and the time at which the following late duty or night duty begins.

**(2)** Subsection (1) does not apply when a flight crew member is at a location where local time differs by more than four hours from the local time at the last location where the member was acclimatized.

[SOR/2018-269, s. 13.]

### **700.42 Rest Periods - Time Zone Differences**

**(1)** Despite Section 700.40, an air operator shall provide a flight crew member with the following rest periods when their flight duty period ends away from home base:

(a) 11 consecutive hours in suitable accommodation, if the local time at the location where the flight duty period began differs by four hours from the local time at the location where the flight duty period ends; and

(b) 14 consecutive hours in suitable accommodation, if the local time at the location where the flight duty period began differs by more than four hours from the local time at the



location where the flight duty period ends.

**(2)** Despite Section 700.40, an air operator shall provide a flight crew member with the following rest periods when their flight duty period begins at a location that is in a time zone other than the time zone in which home base is located and ends at home base:

(a) 13 consecutive hours, if the local time at the location where the flight duty period began differs by four hours from the local time at home base and the member has been away from home base for more than 36 consecutive hours;

(b) if the local time at the location where the flight duty period began differs by more than 4 but not more than 10 hours from the local time at home base, and

(i) the member has been away from home base for 60 consecutive hours or less and no part of the flight duty period occurs during any part of the member's window of circadian low, one local night's rest before the beginning of the next flight duty period, or

(ii) the member has been away from home base for more than 60 consecutive hours, or any part of the flight duty period occurs within any part of the member's window of circadian low, two local nights' rest before the beginning of the next flight duty period; or

(c) if the local time at the location where the flight duty period began differs by more than 10 hours from the local time at home base and

(i) the member has been away from home base for 60 consecutive hours or less, two local nights' rest before the beginning of the next flight duty period, or

(ii) the member has been away from home base for more than 60 consecutive hours, three local nights' rest before the beginning of the next flight duty period.

[SOR/2018-269, s. 13.]

### **700.43 Rest Period - Positioning**

**(1)** If a flight crew member is required by the air operator to travel for the purpose of positioning immediately after the completion of a flight duty period and the flight duty period plus the travel time required for positioning exceed the maximum flight duty period set out in Section 700.28, the air operator shall provide the member with a rest period before the beginning of the next flight duty period that is equal to the duration of

(a) the number of hours of work, if the maximum flight duty period is exceeded by three

hours or less; or

(b) the number of hours of work plus the amount of time by which the maximum flight duty period is exceeded, if the maximum flight duty period is exceeded by more than three hours.

**(2)** Despite subsection (1), the rest period provided to the member by the air operator before the beginning of the next flight duty period shall not be shorter than the rest period required under subsection 700.40(1).

**(3)** An air operator shall not require the positioning of a flight crew member if it would result in the member's maximum flight duty period being exceeded by more than three hours unless

(a) the member agrees to the positioning; and

(b) the member's flight duty period is not exceeded by more than seven hours.

**(4)** An air operator shall consider the time required for the positioning of a flight crew member, that is not immediately followed by the assignment of a flight duty period, as a flight duty period for the purpose of determining the duration of the rest periods in accordance with Section 700.40.

[SOR/2018-269, s. 13.]

### **700.44 to 700.49 Reserved**

### **700.50 Split Flight Duty**

**(1)** A flight crew member's flight duty period may exceed the maximum flight duty period set out in Section 700.28 by the following amount of time, if the air operator provides the member with a break, in suitable accommodation, of at least 60 consecutive minutes during the flight duty period:

(a) 100% of the duration of the break that is provided to the member during the period beginning at 24:00 and ending at 05:59;

(b) 50% of the duration of the break that is provided to the member during the period beginning at 06:00 and ending at 23:59; and

(c) in the case of an unforeseen operational circumstance, 50% of the duration of the break that is provided to the member in the case of the replanning of a flight duty period after it has begun.

**(2)** For the purposes of subsection (1), the duration of the break provided to the flight crew member is reduced by 45 minutes before the calculation is made.

**(3)** If a flight crew member is assigned to night duty, their flight duty period may only be extended under subsection (1) for three consecutive nights.

**(4)** The time referred to in paragraphs (1)(a) and (b) is the time at the location where the flight crew member is acclimatized.

**(5)** If a flight crew member on reserve is assigned to flight duty that includes split duty, the air operator may extend the reserve duty period by two hours if a break in accordance with this section is provided. There shall not be more than two flights during the flight duty period following the break.

[SOR/2018-269, s. 13.]

### **700.51 Consecutive Flight Duty Periods**

**(1)** An air operator shall not assign to a flight crew member more than three consecutive flight duty periods if any part of those periods falls between 02:00 and 05:59, unless the air operator provides the member with one local night's rest at the end of the third flight duty period.

**(2)** However, an air operator may assign to a flight crew member up to five consecutive flight duty periods even if any part of those periods falls between 02:00 and 05:59 if the member is provided with

(a) a rest period of three hours in suitable accommodation during each flight duty period; and

(b) 56 consecutive hours free from duty at the end of the last consecutive flight duty period.

[SOR/2018-269, s. 13.]

### **700.52 Delayed Reporting Time**

**(1)** If an air operator advises a flight crew member of a delay in the member's reporting time before the member leaves their suitable accommodation to report for duty, the duration of the flight duty period shall, for the purposes of determining the maximum flight duty period in accordance with Section 700.28, be calculated starting from either the initial reporting time or the delayed reporting time, whichever results in the shorter period.

**(2)** Despite subsection (1), the flight duty period shall begin, if the delay in the reporting time

(a) is less than four hours, at the delayed reporting time; or

(b) is four hours or more but less than 10 hours, four hours after the initial reporting time.

**(3)** If the delay in the reporting time is 10 hours or more, the duration of the delay is considered to be a rest period if the air operator advises the flight crew member of the delay before they leave the suitable accommodation, and does not disturb their rest period before an agreed time.

**(4)** Unless the air operator and flight crew member agree on a time when the air operator may disturb the member's rest period referred to in subsection (3), the air operator shall not interrupt the member's rest period other than

(a) during the 30-minute period before the time the member was initially scheduled to leave the suitable accommodation; or

(b) during the 60-minute period before the initial reporting time.

[SOR/2018-269, s. 13.]

### **700.53 to 700.59 Reserved**

### **700.60 Maximum Flight Duty Period - Augmented Flight Crew and Rest Facilities**

**(1)** Despite Section 700.28, if the air operator assigns for a flight the number of additional flight crew members set out in column 2 of the table to this subsection and provides, for each additional member, the corresponding rest facility set out in column 3, the maximum flight duty period is the period set out in column 1.

**Table - Maximum Flight Duty Period - Augmented Flight Crew and Rest Facility**

<b>Item</b>	<b>Column 1 Maximum Flight Duty Period (Hours)</b>	<b>Column 2 Additional Flight Crew Members</b>	<b>Column 3 Rest Facility</b>
1	14	1	Class 3
2	15	1	Class 1 or class 2
3	15.25	2	Class 3

4	16.50	2	Class 2
5	18	2	Class 1

**(2)** The maximum flight duty period set out in subsection (1) applies only to a flight duty period during which there are three or fewer flights if

(a) for a flight duty period during which there is one flight, all flight crew members are provided with in-flight rest in a rest facility; and

(b) for a flight duty period during which there are two or three flights,

(i) the flight crew member who will be at the controls for the final landing is provided with two consecutive hours of in-flight rest in a rest facility; and

(ii) all other flight crew members are provided with 90 consecutive minutes of in-flight rest in a rest facility.

**(3)** A flight crew member's flight duty period shall include all of the time spent in the rest facility.

**(4)** The flight duty period for all flight crew members shall begin and end at the same location. However, for a period during which there is more than one flight and the first flight is scheduled to be less than 105 minutes long, an air operator may assign additional flight crew members to join a flight after the first flight, but all flight crew members shall end their flight duty period at the same location.

**(5)** At least one additional flight crew member shall be on the flight deck during all take-offs and landings, other than for the first flight, if additional flight crew members join the flight after the first flight in the case referred to in subsection (4).

**(6)** In-flight rest shall occur between the time at which the aircraft reaches 3 048 m (10,000 feet) above aerodrome elevation and 15 minutes before the scheduled beginning of the descent.

**(7)** If a flight duty period has been extended, an air operator shall provide each flight crew member with a rest period that is the longer of

(a) the duration of the duty period just completed, and

(b) 14 hours in suitable accommodation, or 16 hours when the member's duty period ends at home base.

[SOR/2018-269, s. 13.]

### **700.61 Long-range Flights**

An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period occurs within the member's window of circadian low and includes a flight that follows a scheduled flight of more than seven hours.

[SOR/2018-269, s. 13.]

### **700.62 Ultra Long-range Flights**

(1) An air operator shall not assign a flight duty period of more than 18 hours to a flight crew member and a member shall not accept such an assignment.

(2) An air operator shall not assign a flight crew member to a flight with a scheduled flight time of more than 16 hours, and a member shall not accept such an assignment.

[SOR/2018-269, s. 13.]

### **700.63 Unforeseen Operational Circumstances - Flight Duty Period and Rest Period**

(1) If the pilot-in-command is of the opinion that an unforeseen operational circumstance that occurs within 60 minutes of the beginning of the flight duty period could lead to a level of fatigue that may adversely affect the safety of the flight, the pilot-in-command may, after consulting with all crew members on their level of fatigue,

(a) reduce a flight crew member's flight duty period;

(b) extend a flight crew member's flight duty period by the following number of hours in excess of the maximum flight duty period set out in Section 700.28 or subsection 700.60(1) by

(i) one hour for a single-pilot operation,

(ii) two hours, if the flight crew is not augmented,

(iii) three hours, if the flight crew is augmented and there is one flight during the scheduled flight duty period, and

(iv) two hours, if the flight crew is augmented and there are two or three flights during

the scheduled flight duty period; or

(c) extend a flight crew member's rest period.

**(2)** If a further unforeseen operational circumstance arises after take-off on the final flight for which the maximum flight duty period was extended under subsection (1), the pilot-in-command may, despite that subsection, continue the flight to the destination aerodrome or to an alternate aerodrome.

**(3)** An air operator shall extend the rest period after a flight duty period is extended under this section by an amount of time that is at least equal to the extension of the flight duty period.

**(4)** At the end of a flight duty period, the pilot-in-command shall notify the air operator of any change to a flight duty period made under this section.

[SOR/2018-269, s. 13.]

### **700.64 Unforeseen Operational Circumstances - Split Flight Duty**

**(1)** In the event of an unforeseen operational circumstance that occurs after the beginning of the flight duty period, an air operator may change a flight crew member's flight duty period to include a split flight duty in accordance with Section 700.50 if the pilot-in-command agrees and the change is made before the scheduled break on the ground.

**(2)** The pilot-in-command shall not agree to the change if they are of the opinion, after consulting with all other crew members, that a split flight duty period could lead to a level of fatigue that may adversely affect the safety of the flight.

[SOR/2018-269, s. 13.]

### **700.65 to 700.69 Reserved**

### **700.70 Flight Crew Member on Reserve**

**(1)** An air operator shall notify a flight crew member on reserve of the start and end times of the reserve availability period and the location where it will take place no later than

(a) 12 hours before the start time of the reserve availability period, if no part of that period falls during the member's window of circadian low; or

(b) 32 hours before the start time of the reserve availability period, if any part of that period falls during the member's window of circadian low.

**(2)** An air operator shall not change the start time of a reserve availability period of a flight crew

member by

(a) more than two hours before, or four hours after, the start time that was communicated to the flight crew member under subsection (1); or

(b) more than eight hours before or after the start time that was communicated to the member under subsection (1) in any period of 168 consecutive hours, unless the member is provided with two consecutive days free from duty within that period.

**(3)** If the start time of a reserve availability period is changed to a time after 02:00, the air operator shall not assign another reserve availability period to the flight crew member unless the member is provided with two consecutive days free from duty before the start time of that period.

**(4)** An air operator shall not change the start time of a reserve availability period so that it falls in a flight crew member's window of circadian low unless the air operator notifies the member of the change at least 24 hours before the revised start time.

**(5)** An air operator shall not assign to a flight crew member a reserve availability period that exceeds 14 consecutive hours.

**(6)** An air operator shall provide a flight crew member with a rest period of at least 10 consecutive hours between reserve availability periods.

**(7)** An air operator shall not assign to a flight crew member a reserve duty period that exceeds

(a) 18 consecutive hours, if the period begins between 02:00 and 17:59;

(b) 17 consecutive hours, if the period begins between 18:00 and 18:59;

(c) 16 consecutive hours, if the period begins between 19:00 and 20:59;

(d) 15 consecutive hours, if the period begins between 21:00 and 22:59; and

(e) 14 consecutive hours, if the period begins between 23:00 and 01:59.

**(8)** Despite subsection (7), an air operator may assign to a flight crew member a reserve duty period of

(a) no more than 20 hours, if the flight crew is augmented by one additional flight crew member and a class 1 rest facility or a class 2 rest facility is provided for the member;

(b) no more than 22 hours, when the reserve availability period begins between 21:00 and



03:00 at the location where the flight crew member is acclimatized, if the flight crew is augmented by two additional flight crew members and a class 1 rest facility or a class 2 rest facility is provided for each of the members; or

(c) no more than 26 hours, when the reserve availability period begins before 21:00 or after 03:00 at the location where the flight crew member is acclimatized, if the flight crew is augmented by two additional flight crew members and a class 1 rest facility is provided for each of the members.

**(9)** If the reserve availability period begins between 02:00 and 05:59 at the location where the flight crew member is acclimatized and the member is not contacted by the air operator during that period, the air operator may extend the reserve availability period by two hours or 50% of the reserve availability period that falls between 02:00 and 05:59, whichever is shorter.

**(10)** An air operator shall not assign to a flight crew member a flight duty period that exceeds the maximum reserve duty period set out in subsection (7) or (8) or the maximum flight duty period set out in Section 700.28, whichever is shorter, unless the air operator

(a) provides the member with at least 24 hours' notice of the assignment before the beginning of the flight duty period;

(b) does not provide the notice during the period that begins at 22:30 and ends at 7:30; and

(c) assigns no duties to the member between the time the notice is provided and the beginning of the flight duty period.

[SOR/2018-269, s. 13.]

### **700.71 Flight Crew Member on Standby**

**(1)** The air operator shall provide a flight crew member on standby with a place that provides adequate protection from the elements, where it is possible to sit and to access food and drink and, if possible, that is not accessible to the public.

**(2)** If the flight crew member on standby is not assigned to flight duty, the air operator shall provide them with the following rest periods:

(a) if the member is at home base,

(i) 12 hours, or 11 hours plus the travel time to or from the member's lodging, or

(ii) if the air operator provides suitable accommodation, 10 hours in that suitable accommodation; or

(b) if the member is away from home base, 10 hours.

[SOR/2018-269, s. 13.]

### **700.72 Controlled Rest on Flight Deck**

**(1)** A flight crew member shall not take a controlled rest on the flight deck of an aircraft that is operated by an air operator unless

(a) the rest is 45 minutes or less, is taken during the cruise portion of the flight and is completed at least 30 minutes before the scheduled beginning of the descent;

(b) no other flight crew member is taking a rest at that time; and

(c) at least two flight crew members remain on the flight deck.

**(2)** Before taking a controlled rest on the flight deck, a flight crew member shall

(a) transfer their duties to a flight crew member who is not taking a rest;

(b) review the status of the flight, including any specific duties to be performed during the rest;

(c) review the wake-up criteria; and

(d) advise the flight attendants of the start and end times of the rest.

**(3)** A flight crew member who takes a controlled rest on the flight deck shall not assume any duties, and no other flight crew member shall transfer any duties to them, until 15 minutes after the end of the rest.

**(4)** When a flight crew member returns to duty, another flight crew member shall provide them with an operational briefing.

[SOR/2018-269, s. 13.]

### **700.73 to 700.99 Reserved**

[Effective 2020/12/12 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1999/06/01][Amended 1999/06/01 - Previous Version Dated 1996/10/10]

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## **Division IV - Flight Crew Member Fatigue Management - Medical Evacuation Flights**

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### **700.100 Application and Interpretation**

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**(1)** This Division applies to an air operator who conducts a medical evacuation flight and to a flight crew member who operates an aircraft to conduct such a flight.

**(2)** This Division does not apply to an air operator who operates an aircraft under Subpart 2 of this Part or to a flight crew member who operates an aircraft under that Subpart.

**(3)** For the purposes of this Division, a flight to position an aircraft before or after a medical evacuation flight is considered to be a medical evacuation flight.

[SOR/2018-269, s. 13.]

### **700.101 Monitoring System and Records**

**(1)** An air operator shall have a system that monitors the flight times, flight duty periods and rest periods of each of its flight crew members and shall include in its *Company Operations Manual* the details of that system.

**(2)** If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time referred to in Section 700.103 or the maximum flight duty period referred to in Section 700.104 being exceeded, the person shall advise the air operator as soon as possible.

[SOR/2018-269, s. 13.]

### **700.102 Fitness for Duty**

**(1)** An air operator shall not allow a flight crew member to begin a flight duty period if, before the beginning of the period, the member advises the air operator that they are fatigued to the extent that they are not fit for duty.

**(2)** A flight crew member shall advise every other flight crew member and the air operator as soon as the member becomes aware that they have become fatigued during a flight duty period to the extent that they are not fit for duty.

**(3)** If there is only one flight crew member on board the aircraft, and the member becomes aware during a flight duty period that they have become fatigued to the extent that they are not fit for duty, they shall advise the air operator immediately or, if the aircraft is in flight, as soon as possible after the aircraft has landed.

**(4)** If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time or maximum flight duty period being exceeded, the member or other person shall advise the air operator as soon as possible.

(5) If a flight crew member or any other person becomes aware that the member was not granted their rest period or time free from duty, the member or other person shall advise the air operator as soon as possible.

[SOR/2018-269, s. 13.]

### **700.103 Maximum Flight Time**

(1) An air operator shall not assign a flight crew member for flight time, and a flight crew member shall not accept such an assignment, if the member's total flight time will, as a result, exceed

(a) if the flight is conducted under Subpart 4 or 5 using an aircraft other than a helicopter, 40 hours in any 7 consecutive days;

(b) if the flight is conducted under Subpart 3, or is conducted using a helicopter, 60 hours in any 7 consecutive days;

(c) 120 hours in any 30 consecutive days or, in the case of a flight crew member on call, 100 hours in any 30 consecutive days;

(d) 300 hours in any 90 consecutive days;

(e) 1,200 hours in any 365 consecutive days; or

(f) in the case of a single-pilot operation, 8 hours in any 24 consecutive hours.

(2) For the purpose of subsection (1), a flight crew member's flight time includes

(a) the flight time accumulated from other flight operations; and

(b) the total flight time of a flight with an augmented flight crew.

[SOR/2018-269, s. 13.]

### **700.104 Maximum Flight Duty Period**

An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period exceeds 14 hours.

[SOR/2018-269, s. 13.]

### **700.105 to 700.115 Reserved**

### **700.116 Rest Period - General**

**(1)** An air operator shall provide a flight crew member, at the end of a flight duty period, with a rest period of 10 hours plus the travel time to and from the place where the rest period is taken.

**(2)** An air operator shall provide a flight crew member with advance notice of the member's rest period and its duration.

[SOR/2018-269, s. 13.]

### **700.117 Rest Period - Positioning**

If a flight crew member is required by the air operator to travel for the purpose of positioning after the completion of a flight duty period, the air operator shall provide the flight crew member with an additional rest period at least equal to one-half the time spent travelling that is in excess of the flight crew member's maximum flight duty period.

[SOR/2018-269, s. 13.]

### **700.118 Split Flight Duty**

**(1)** If a flight duty period includes a rest period, an air operator may assign to a flight crew member a flight duty period that exceeds the maximum flight duty period referred to in Section 700.104, by one-half the length of the rest period referred to in paragraph (b), to a maximum of three hours, if

(a) the air operator provides the member with notice, before the beginning of the flight duty period, of the extension of flight duty period;

(b) the air operator provides the member with a rest period of at least four consecutive hours in suitable accommodation; and

(c) the member's rest period is not interrupted by the air operator.

**(2)** An air operator shall extend the rest period after a flight duty period referred to in subsection (1) by an amount that is at least equal to the length of the extension to the flight duty period.

[SOR/2018-269, s. 13.]

### **700.119 Time Free from Duty**

**(1)** An air operator shall provide each flight crew member with the following time free from duty:

(a) at least 36 consecutive hours in 7 days; and

(b) at least 3 consecutive days in 17 days.

(2) An air operator shall provide a flight crew member with advance notice of the member's time free from duty and its duration.

[SOR/2018-269, s. 13.]

### 700.120 Consecutive Flight Duty Periods

An air operator shall provide a flight crew member with at least 24 consecutive hours free from flight duty following three consecutive flight duty period assignments that exceed 12 consecutive hours unless the member has received a rest period of at least 24 consecutive hours free from flight duty between each flight duty period assignment.

[SOR/2018-269, s. 13.]

### 700.121 Delayed Reporting Time

If an air operator advises a flight crew member, before the member leaves a rest facility, of a delay in excess of three hours in the member's reporting time, the member's flight duty period is considered to have started three hours after the original reporting time.

[SOR/2018-269, s. 13.]

### 700.122 to 700.130 Reserved

### 700.131 Maximum Flight Duty Period - Augmented Flight Crew and Rest Facility

(1) Despite Section 700.104, if the air operator assigns an additional flight crew member to a flight and provides for the member the rest facility set out in column 2 of the table to this subsection, the maximum flight duty period is the period set out in column 1.

**Table - Maximum Flight Duty Period - Augmented Flight Crew and Rest Facility**

Item	Column 1 Maximum Flight Duty Period (Hours)	Column 2 Rest Facility
1	15	A flight deck observer seat
2	17	Class 2

3	20	Class 1
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(2) The maximum flight duty period set out in subsection (1) applies only to a flight duty period during which there are three or fewer flights.

(3) A flight crew member's flight duty period shall include all time spent in the rest facility.

(4) If a flight duty period has been extended, an air operator shall provide each flight crew member with a rest period that is equal to the duration of the duty period just completed.

[SOR/2018-269, s. 13.]

### 700.132 Long-range Flights

(1) A flight duty period during which there is one flight or a series of flights that ends more than four one-hour time zones from the point of departure, other than flights conducted entirely within Northern Domestic Airspace, shall be limited to three flights, in the case of a series of flights, and shall be followed by a rest period that is at least equal to the length of the flight duty period.

(2) If a flight referred to in subsection (1) is a transoceanic flight, the maximum number of flights that may be conducted after the transoceanic flight is one, excluding one unscheduled technical stop that occurs during the flight.

[SOR/2018-269, s. 13.]

### 700.133 Unforeseen Operational Circumstances

(1) A pilot-in-command may, as a result of unforeseen operational circumstances, and after consulting with all crew members on their level of fatigue, extend a flight crew member's flight time and flight duty period in excess of the maximum flight time referred to in Section 700.103 and the maximum flight duty period referred to in Section 700.104.

(2) The pilot-in-command may extend the maximum flight time and maximum flight duty period by three hours if the pilot-in-command notifies the air operator of the length of and the reason for the extension. In the case of a flight duty period that is extended, the subsequent rest period shall be increased by an amount at least equal to the length of the extension of the flight duty period.

(3) An air operator shall keep a record of all notifications provided to it under subsection (2) for a period of 24 months after the day on which they are provided.

### **700.134 Flight Crew Member on Reserve**

**(1)** An air operator shall provide each flight crew member on reserve with a rest period of at least 10 consecutive hours in any 24 consecutive hours if the air operator

(a) provides the member with 24 hours' notice of the start time and duration of the rest period;

(b) provides the member with a minimum of 10 hours' notice of the start time and duration of the rest period and the air operator does not assign any duty to the member during those 10 hours; or

(c) does not assign a flight duty period to the member and does not interrupt the member's rest period between 22:00 and 06:00 local time.

**(2)** Following a rest period provided under subsection (1), the start of a subsequent rest period cannot vary by more than three hours from the time of day that the preceding rest period started, or by more than a total of eight hours in any seven consecutive days.

**(3)** If an air operator is unable to provide a flight crew member with the rest period referred to in subsection (1) and the member is notified to report for flight duty or the reporting time occurs between 22:00 and 06:00 local time

(a) the maximum flight duty period shall be 10 hours; and

(b) the rest period following the flight duty period shall be increased by at least one-half the length of the preceding flight duty period.

### **700.135 Controlled Rest on Flight Deck**

**(1)** A flight crew member shall not take a controlled rest on the flight deck of an aircraft that is operated by an air operator unless

(a) the rest is 45 minutes or less, is taken during the cruise portion of the flight and is completed at least 30 minutes before the scheduled beginning of the descent;

(b) no other flight crew member is taking a rest at that time; and

(c) at least two flight crew members remain on the flight deck.



**(2)** Before taking a controlled rest on the flight deck, a flight crew member shall

- (a) transfer their duties to a flight crew member who is not taking a rest;
- (b) review the status of the flight, including any specific duties to be performed during the rest;
- (c) review the wake-up criteria; and
- (d) advise the other crew members of the start and end times of the rest.

**(3)** A flight crew member who takes a controlled rest on the flight deck shall not assume any duties, and no other flight crew member shall transfer any duties to them, until 15 minutes after the end of the rest.

**(4)** When a flight crew member returns to duty, another flight crew member shall provide him or her with an operational briefing.

[SOR/2018-269, s. 13.]

### **700.136 to 700.199 Reserved**

[Effective 2020/12/12 - No Previous Version]

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## **Division V - Exemptions - Fatigue Risk Management System**

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### **700.200 Initial Exemption**

**(1)** Subject to subsections (3) and (4), an air operator and flight crew members to whom Sections 700.20 to 700.72 or 700.101 to 700.135 apply are exempt, in respect of a flight, from the application of the provisions set out in the notice of intent referred to in Section 700.206, if

- (a) the air operator has sent to the Minister a notice of intent that complies with the requirements of Section 700.206;
- (b) the air operator has established and implemented the following components of the fatigue risk management system, referred to in subsection 700.214(1):
  - (i) the fatigue risk management plan, and
  - (ii) the fatigue risk management process; and
- (c) starting on the date on which the flight is first conducted under the exemption in this

subsection and ending when the exemption no longer applies, the air operator notifies the Minister that the analysis required by paragraph 700.225(2)(g) is available to the Minister for review

(i) every 90 days, or

(ii) if the period during which the flight is conducted is shorter than 90 days, at the end of the period.

**(2)** Subject to subsections (3) and (5), an air operator and flight crew members to whom Sections 702.91 to 702.98 apply are exempt, in respect of a flight, from the application of the provisions set out in the notice of intent referred to in Section 700.206, if

(a) the air operator has sent to the Minister a notice of intent that complies with the requirements of Section 700.206;

(b) the air operator has established and implemented the following components of the fatigue risk management system, referred to in subsection 700.214(1):

(i) the fatigue risk management plan, and

(ii) the fatigue risk management process; and

(c) starting on the date on which the flight is first conducted under the exemption in this subsection and ending when the exemption no longer applies, the air operator notifies the Minister that the analysis required by paragraph 700.225(2)(g) is available to the Minister for review

(i) every 90 days, or

(ii) if the period during which the flight is conducted is shorter than 90 days, at the end of the period.

**(3)** The exemptions referred to in subsections (1) and (2) continue to apply in respect of a flight as long as the air operator demonstrates compliance with the requirements of Sections 700.213 to 700.225 but cease to apply, in respect of that flight, on the earlier of

(a) the date on which the exemption referred to in Section 700.234 comes into effect with respect to the same provisions and for the same flight, and

(b) three years after the date on which the notice of intent was sent.

**(4)** The exemption referred to in subsection (1) may be in respect of any of the requirements

set out in Sections 700.27 to 700.72 except for the requirements set out in the following provisions:

- (a) paragraph 700.27(1)(c);
- (b) paragraph 700.29(1)(a);
- (c) Section 700.36;
- (d) Section 700.37; and
- (e) paragraph 700.103(1)(e).

**(5)** The exemption referred to in subsection (2) may be in respect of any of the requirements set out in Sections 702.92 to 702.98 except for the requirements set out in paragraph 702.92(1)(a).

[SOR/2018-269, s. 13.]

### **700.201 Series of Flights**

In this Division, a reference to a flight is also a reference to a series of flights if

- (a) the flights in the series of flights are consecutive and are conducted by the same flight crew members; and
- (b) the flight crew members operate the flights during a single flight duty period or consecutive flight duty periods.

[SOR/2018-269, s. 13.]

### **700.202 to 700.205 Reserved**

### **700.206 Notice of Intent**

**(1)** An air operator shall send a notice of intent to the Minister that includes

- (a) a statement that the air operator has established and implemented a fatigue risk management plan and a fatigue risk management process - and maintains the fatigue risk management plan and the fatigue risk management process - and intends to establish, implement and maintain a program for fatigue risk management promotion and a quality assurance program for the fatigue risk management system in accordance with this Division;
- (b) a description of the flight that will be subject to an exemption referred to in Section

700.200;

(c) the provisions of these Regulations from which the air operator and flight crew members will be exempt;

(d) a description of the manner in which the flight will be conducted results in a variance from the requirements of the provisions referred to in paragraph (c);

(e) the scientific studies used to demonstrate that the variance referred to in paragraph (d) is not likely to have an adverse effect on the levels of fatigue and alertness of flight crew members;

(f) the expected day on which the exemption referred to in Section 700.200 will first apply to the flight and, in the case of a flight that is not conducted year-round, the expected period during which the exemption referred to in that section will apply to the flight;

(g) a description of the safety case that will be developed for the flight;

(h) a statement that the air operator intends to validate a safety case in accordance with subsection 700.225(3) and to ensure that an initial audit is conducted under subsection 700.231(1); and

(i) the name and contact information of the person who will be responsible for implementing the fatigue risk management system.

**(2)** The air operator may include in the notice of intent more than one flight if

(a) the duration of the flight duty period is the same for all flights;

(b) all flights have the same number of consecutive flight duty periods;

(c) the flight duty periods for the flights start within 60 minutes of each other;

(d) the duration of any part of a flight duty period that occurs within the flight crew members' window of circadian low is the same for all flights;

(e) all flights have the same number of consecutive flight duty periods that occur during any part of the flight crew members' window of circadian low;

(f) the duration of the rest period before and after each flight duty period is the same for all flights;

(g) the time of day during which each rest period is taken is similar for all flights;

(h) the flights are conducted in the same time zone or across the same number of time zones in the same direction by flight crew members who are all acclimatized to the same time zone;

(i) the flights are conducted with the same aircraft type;

(j) the flights are conducted with the same number of flight crew members;

(k) the operating environments are similar for all flights; and

(l) the hazards and risks are similar for all flights.

[SOR/2018-269, s. 13.]

### **700.207**

Despite subsection 700.200(3), the initial exemption ceases to apply in respect of a flight if the analysis referred to in paragraph 700.200(1)(c) or (2)(c) does not show any progress in the development of the operator's safety case.

[SOR/2018-269, s. 13.]

### **700.208 to 700.212 Reserved**

#### **700.213 Fatigue Risk Management System - Establishment and Implementation**

**(1)** An air operator shall establish and implement a fatigue risk management system.

**(2)** The operations manager appointed under paragraph 700.09(1)(a) shall ensure that the fatigue risk management system complies with the requirements of this Division.

**(3)** The operations manager shall, when a finding resulting from the quality assurance program for the fatigue risk management system referred to in Section 700.219 is reported to them,

(a) determine what, if any, corrective actions are required and take those actions; and

(b) notify the accountable executive of any systemic deficiency and of the corrective action taken.

**(4)** The operations manager may assign the management functions for the fatigue risk management system to another person.

**(5)** The responsibility of the operations manager is not affected by the assignment of management functions to another person under subsection (4).

**(6)** If the operations manager assigns the management functions for the fatigue risk management system to another person under subsection (4), that other person shall report to the operations manager the fatigue-related hazards, risks and incidents identified under the fatigue risk management system.

[SOR/2018-269, s. 13.]

### **700.214 Fatigue Risk Management System - Components**

**(1)** An air operator shall have a fatigue risk management system that includes

- (a) a fatigue risk management plan;
- (b) a fatigue risk management process;
- (c) a program for fatigue risk management promotion; and
- (d) a quality assurance program for the fatigue risk management system.

**(2)** The air operator shall take into account, when establishing the fatigue risk management system, all of the duties performed in the operations of the air operator by flight crew members who are assigned duties on a flight that is the subject of an exemption under this Division.

**(3)** The air operator shall update its fatigue risk management system if

- (a) there is a change in the size and scope of its operations;
- (b) any action is taken as a result of an audit of the fatigue risk management system conducted under subsection 700.231(1) or Section 700.247;
- (c) the air operator's validation of the safety case in accordance with subsection 700.225(3) establishes that there is an increase in the level of fatigue or a decrease in the level of alertness of flight crew members; or
- (d) a data analysis conducted in accordance with the process referred to in subsection 700.216(2) indicates that flight crew members are subject to an increase in their level of fatigue or a decrease in their level of alertness.

[SOR/2018-269, s. 13.]

### **700.215 Fatigue Risk Management Plan**

The air operator's fatigue risk management plan shall include

- (a) a fatigue risk management policy - signed by the accountable executive - that establishes the shared responsibility of the air operator and flight crew members in managing fatigue;
- (b) safety objectives, including the identification and reduction of fatigue-related hazards and the effective management of fatigue in flight operations;
- (c) safety performance indicators to measure the attainment of the safety objectives;
- (d) defined responsibilities in relation to fatigue management for
  - (i) the air operator's managers,
  - (ii) the persons managing the fatigue risk management system, and
  - (iii) other employees;
- (e) a training plan that identifies the content of the initial and annual training;
- (f) a plan for communicating the information referred to in paragraphs 700.218(4)(a) to (f) to flight crew members; and
- (g) a policy for the internal reporting of fatigue by flight crew members, without fear of reprisal.

[SOR/2018-269, s. 13.]

### **700.216 Fatigue Risk Management Process**

- (1)** The air operator's fatigue risk management process shall include procedures for
- (a) the internal reporting of fatigue by flight crew members;
  - (b) acknowledging in writing, to flight crew members, receipt of each fatigue report and advising of any follow-up action;
  - (c) collecting information to identify fatigue-related hazards, including
    - (i) flight crew member performance data,
    - (ii) accident and incident information,
    - (iii) data from work schedules,
    - (iv) data from comparisons of planned schedules in relation to time worked, and

- (v) data from a review of operational or administrative duties;
  - (d) developing a list of the safety data and scientific studies used in support of the processes that form part of the fatigue risk management system;
  - (e) managing the data and information referred to in this subsection;
  - (f) identifying and assessing the levels of fatigue and alertness through modelling with respect to flight crew members' schedules; and
  - (g) analyzing planned schedules in relation to time worked in order to assess whether fatigue is being managed.
- (2)** The air operator's fatigue risk assessment process shall be based on the information referred to in subsection (1) and shall include procedures for
- (a) identifying the cause of fatigue-related hazards;
  - (b) assessing the likelihood that a fatigue-related event will occur and the severity of its consequences;
  - (c) identifying and prioritizing the risks that need to be managed;
  - (d) creating and updating a record of the risks that are identified;
  - (e) determining the actions to be taken to manage the risks referred to in paragraph (c), including the preventive measures or corrective actions; and
  - (f) developing safety performance indicators to measure the effectiveness of the measures and actions taken under paragraph (e).

[SOR/2018-269, s. 13.]

### **700.217 Collaboration with Employees**

The air operator shall have a process to collaborate with employees in the development of the policy and procedure for the internal reporting of fatigue.

[SOR/2018-269, s. 13.]

### **700.218 Fatigue Risk Management Promotion**

**(1)** In the case of an air operator to whom Sections 700.20 to 700.72 or 700.101 to 700.135 apply, its program for fatigue risk management promotion shall include training for its



employees on the following subjects:

- (a) the components and functioning of the fatigue risk management system and the employees' responsibilities with respect to the system;
- (b) the actions to be taken with respect to fatigue-related risks; and
- (c) the requirements of these Regulations with respect to fatigue management.

**(2)** In the case of an air operator to whom Sections 702.91 to 702.98 apply, its program for fatigue risk management promotion shall include training for its employees on the following subjects:

- (a) the components and functioning of the fatigue risk management system and the employees' responsibilities with respect to the system;
- (b) the actions to be taken with respect to fatigue-related risks;
- (c) the requirements of these Regulations with respect to fatigue management;
- (d) personal fatigue management strategies relating to
  - (i) sleep hygiene,
  - (ii) lifestyle, exercise and diet, and
  - (iii) the consumption of alcohol and drugs;
- (e) the impact of fatigue on aviation safety;
- (f) sleep requirements and the science relating to fatigue;
- (g) the causes and consequences of fatigue;
- (h) how to recognize fatigue in themselves and in others;
- (i) sleep disorders, their impact on aviation safety and treatment options; and
- (j) human and organizational factors that may cause fatigue, including
  - (i) sleep quality and duration,
  - (ii) the effect of shift work and overtime,

(iii) the circadian rhythm, and

(iv) the effects of changes of time zones.

**(3)** The programs set out in subsections (1) and (2) shall include

(a) competency-based training for persons who have been assigned duties in respect of the fatigue risk management system; and

(b) means of measuring the level of competency attained by each person who receives the training.

**(4)** For the purposes of promoting fatigue risk management, an air operator shall have a procedure for communicating the following information to its employees:

(a) industry reports on fatigue;

(b) industry best practices in respect of fatigue risk management;

(c) advancements in the science relating to fatigue;

(d) the results of the data analysis conducted in accordance with the process referred to in subsection 700.216(2);

(e) updates to the fatigue risk management system; and

(f) the results of the review of the fatigue risk management system.

[SOR/2018-269, s. 13.]

### **700.219 Quality Assurance Program for the Fatigue Risk Management System**

**(1)** The air operator's quality assurance program for the fatigue risk management system shall include a process for the audit of the fatigue risk management system that includes procedures for

(a) auditing the extent to which the air operator has implemented its fatigue risk management system, including

(i) a checklist setting out all of the components of the air operator's fatigue risk management system that are to be audited, and

(ii) a plan establishing the frequency of the audits and the manner in which they will be

conducted;

(b) auditing the fatigue risk management system in the event of an accident or incident;

(c) analyzing the findings of the audit and determining the contributing factors of those findings;

(d) developing, implementing and monitoring preventive measures and corrective actions to address the findings of the audit; and

(e) keeping and updating records, including the findings of the audit, the preventive measures and corrective actions to address those findings and any follow-up taken in respect of those measures and actions.

**(2)** The air operator's process for the periodic review of the effectiveness of its fatigue risk management system shall include procedures for the assessment of

(a) the fatigue risk management process;

(b) the reliability of the safety performance indicators; and

(c) the attainment of the safety objectives.

**(3)** An air operator shall have procedures for the ongoing monitoring of the effect of the variance described in the notice of intent on the flight crew members' levels of fatigue and alertness.

[SOR/2018-269, s. 13.]

## **700.220 to 700.224 Reserved**

### **700.225 Safety Case**

**(1)** The air operator shall ensure that a safety case is established in respect of a flight subject to an exemption referred to in Section 700.200 to demonstrate that the variance described in the notice of intent does not increase the level of fatigue or decrease the level of alertness of the flight crew members.

**(2)** The safety case shall consist of

(a) a description of the flight in respect of which an exemption set out in Section 700.200 applies;

(b) the provisions of these Regulations from which the air operator and flight crew members

are exempt;

(c) a description of the manner in which the flight is conducted results in a variance from the requirements of the provisions referred to in paragraph (b);

(d) the data collection methodology and data used initially to establish, in respect of the flight, the baseline levels of fatigue and alertness of the flight crew members and to identify fatigue-related hazards and risks;

(e) the data collection methods used to evaluate the safety case on an ongoing basis;

(f) the scientific studies used to demonstrate that the variance referred to in paragraph (c) is not likely to have an adverse effect on the flight crew members' levels of fatigue and alertness;

(g) an analysis of the effect of the variance on the levels of fatigue and alertness of flight crew members that takes into account the flight crew members' schedule before and after the flight in respect of which the exemption applies and the findings of the fatigue risk assessment;

(h) the fatigue risk controls that are implemented to address the findings of the risk assessment;

(i) procedures to measure the effect of the variance on the levels of fatigue and alertness of the flight crew members;

(j) the preventive measures or corrective actions that are taken to remedy any adverse effect of the variance on the levels of fatigue and alertness of the flight crew members; and

(k) the means that will be used to monitor the effectiveness of the fatigue risk management system in managing the safety case.

**(3)** A safety case is validated when the following conditions are met:

(a) fatigue and alertness data have been collected during a period of not less than one year and not more than two years starting on the day on which the flight is first conducted under an exemption referred to in Section 700.200, for not less than 20 consecutive flights identified in the notice of intent, and the data shows that not more than 5% of those flights have an adverse effect of more than 5% on the baseline levels of fatigue and alertness of the flight crew members determined by means of the methodology described in paragraph (2)(d);

(b) the fatigue risk assessment has been conducted and the findings of the assessment have been analyzed;

(c) mitigation measures have been implemented to manage the hazards and risks related to the variance to remedy increases in the level of fatigue and decreases in the level of alertness of flight crew members;

(d) the mitigation measures have been monitored to determine their effect on the flight crew members' levels of fatigue and alertness;

(e) corrective actions have been taken if the mitigation measures monitored under paragraph (d) do not achieve the desired effect on the flight crew members' levels of fatigue and alertness; and

(f) the effectiveness of the mitigation measures and, if applicable, the corrective actions in maintaining the established levels of fatigue and alertness of the flight crew members is shown.

[SOR/2018-269, s. 13.]

### **700.226 to 700.230 Reserved**

#### **700.231 Fatigue Risk Management System - Initial Audit**

**(1)** An air operator shall ensure that an initial audit of its fatigue risk management system is conducted after validation of the safety case in accordance with the process established under subsection 700.219(1).

**(2)** The air operator shall analyze the findings of the audit and shall, if deficiencies are identified,

(a) investigate and analyze their cause and contributing factors; and

(b) develop and implement preventive measures and corrective actions to address the findings.

**(3)** The air operator shall assess the preventive measures and corrective actions to ensure that they are effective and are used on an ongoing basis to improve the fatigue risk management system.

**(4)** Subsection (1) does not apply if the air operator has already implemented a fatigue risk management system and validates a safety case for a subsequent variance for the purposes of an exemption referred to in subsection 700.234(1) or uses an approved safety case in respect of

another flight for the purposes of an exemption referred to in subsection 700.240(1) if an audit has already been conducted.

[SOR/2018-269, s. 13.]

### **700.232 Submission of Safety Case for Approval**

The air operator shall submit the validated safety case to the Minister for approval along with a statement that the initial audit has been conducted in accordance with Section 700.231 and that the fatigue risk management system meets the requirements of this Division.

[SOR/2018-269, s. 13.]

### **700.233 Approval of the Safety Case**

The Minister shall approve the safety case of an air operator if the Minister determines, on the basis of the information provided by the operator, that the conditions of subsection 700.225(3) are met and that the initial audit has been conducted.

[SOR/2018-269, s. 13.]

### **700.234 Continuing Exemption**

**(1)** An air operator and a flight crew member who are exempt under Section 700.200 from the application of certain provisions in respect of a flight continue, on receipt of the approval of the safety case by the air operator, to be exempt from the application of the same provisions for that flight and, if applicable, for any other flight described in the notice of intent under Section 700.206.

**(2)** The exemption referred to in subsection (1) continues to have effect as long as

(a) the air operator maintains the fatigue risk management system in accordance with the applicable conditions of this Division;

(b) the air operator monitors the effectiveness of the safety case in managing the fatigue and alertness of the flight crew members in accordance with Section 700.248; and

(c) the air operator remedies any adverse effects of the variance on the flight crew members' levels of fatigue and alertness no later than 60 days after the date on which the adverse effect is identified in the course of monitoring.

[SOR/2018-269, s. 13.]

### **700.235 to 700.239 Reserved**

### **700.240 Exemption for Other Flights**

**(1)** An air operator and flight crew members who are exempt under Section 700.234 from the application of certain provisions in respect of a flight on the basis of an approved safety case are exempt from the application of the same provisions, on the basis of the same approved safety case, in respect of another flight if

- (a) the air operator has provided the Minister a letter of confirmation in accordance with subsection (2);
- (b) the duration of the flight duty period for the other flight is not longer than the duration of the flight duty period of the flight;
- (c) the number of consecutive flight duty periods for the other flight does not exceed the number of consecutive flight duty periods for the flight;
- (d) each flight duty period for the other flight starts within 60 minutes of each corresponding flight duty period for the flight;
- (e) the other flight is conducted in the same time zone or across the same number of time zones in the same direction as the flight and is conducted by flight crew members who are all acclimatized to the same time zone;
- (f) any part of the flight duty period for the other flight that occurs within the flight crew members' window of circadian low does not exceed the duration of the flight duty period for the flight that occurs within the flight crew members' window of circadian low;
- (g) the other flight is conducted using aircraft of the same type as that used to conduct the flight;
- (h) the other flight is conducted with the same number of flight crew members on board as the flight;
- (i) the operating environment of the other flight is similar to the operating environment of the flight;
- (j) the hazards and risks associated with the other flight are similar to those of the flight;
- (k) the duration of each rest period before and after each flight duty period associated with the other flight is not shorter than each rest period associated with the flight;
- (l) the time of day of each rest period of the other flight is similar to the time of day of each rest period of the flight; and

(m) the number of consecutive flight duty periods occurring during any part of each flight crew member's window of circadian low for the other flight does not exceed the number of such consecutive flight duty periods for the flight.

**(2)** The air operator shall provide the Minister a letter of confirmation for the other flight that will be conducted under an exemption referred to in subsection (1) that sets out

(a) a description of the other flight that will be subject to the exemption on the basis of the approved safety case;

(b) the provisions of these Regulations from which the air operator and flight crew members will be exempt in respect of the other flight;

(c) a description of the manner in which the other flight will be conducted results in a variance from the requirements of the provisions referred to in paragraph (b) in respect of the other flight;

(d) a statement that the conditions in paragraphs (1)(a) to (m) are met; and

(e) the date on which the exemption will apply to the other flight for the first time.

**(3)** An approved safety case in respect of a flight shall not be used for another flight unless

(a) the provisions of these Regulations from which the air operator is exempted are the same for all the flights; and

(b) the manner in which the flights are conducted results in a variance from the requirements of the provisions referred to in paragraph (a) is the same for all the flights.

**(4)** The exemption referred to in subsection (1) continues to have effect as long as

(a) the air operator maintains the fatigue risk management system in accordance with the applicable conditions of this Division;

(b) the air operator monitors the effectiveness of the safety case in managing the fatigue and alertness of the flight crew members in accordance with Section 700.248; and

(c) the air operator remedies any adverse effects of the variance on the flight crew members' levels of fatigue and alertness no later than 60 days after the date on which the adverse effect is identified in the course of monitoring.

[SOR/2018-269, s. 13.]



## **700.241 to 700.245 Reserved**

### **700.246 Non-availability of Exemption**

An air operator who was exempt from the application of provisions in respect of a flight under Section 700.200 and who has not validated a safety case in the period set out in paragraph 700.200(3)(b) shall not be exempted from the application of the same provisions and in respect of the same flight for a period of two years after the expiry of that period.

[SOR/2018-269, s. 13.]

### **700.247 Fatigue Risk Management System - Audit**

The air operator who has implemented a fatigue risk management system in accordance with this Division shall ensure that an audit of its system is conducted, in accordance with the process referred to in subsection 700.219(1),

- (a) within 12 months after the day on which the initial audit is completed under subsection 700.231(1);
- (b) within 12 months after the day on which the previous audit was completed;
- (c) after an incident or accident; and
- (d) after a major change in the air operator's activities that could affect the levels of fatigue or alertness of the flight crew members.

[SOR/2018-269, s. 13.]

### **700.248 Variance - Monitoring of Effects**

**(1)** The air operator shall monitor, in accordance with the procedures referred to in subsection 700.219(3), the effects of the variance described in the approved safety case on the flight crew members' levels of fatigue and alertness for each period of six months during which the flight that is subject to the exemption referred to in Section 700.234 is conducted.

**(2)** The air operator shall collect data in respect of a representative number of flights conducted over each period of six months in accordance with the methodology set out in the approved safety case.

**(3)** If the monitoring shows that the variance described in the approved safety case has an adverse effect on the flight crew members' levels of fatigue or alertness, the air operator shall develop and take corrective actions to remedy the adverse effect of the variance.

- (4) If corrective actions are taken, the air operator shall assess their effectiveness.
- (5) If the corrective actions remedy the adverse effect of the variance, the air operator shall modify the safety case to take into account the corrective actions and inform the Minister of the modification within 60 days after it is made.

[SOR/2018-269, s. 13.]

### **700.249 Fatigue Risk Management System - Review**

- (1) The air operator shall conduct a review of its fatigue risk management system, in accordance with the procedures referred to in subsection 700.219(2), at least once every 12 months after the initial audit required by subsection 700.231(1) is conducted.
- (2) The review of the fatigue risk management system shall assess
  - (a) the fatigue risk management process;
  - (b) the reliability of the safety performance indicators; and
  - (c) the attainment of the safety objectives.
- (3) The air operator shall
  - (a) determine what corrective actions are necessary to remedy any deficiency identified by the review and take those actions;
  - (b) keep a record of any determination made under paragraph (a) and the reason for it; and
  - (c) if the air operator has assigned management functions to another person, provide that person with a copy of the determination.
- (4) An air operator shall not assign a duty relating to the quality assurance program for the fatigue risk management system to a person who is responsible for carrying out a task or an activity evaluated by that program unless
  - (a) owing to the size, nature and complexity of the air operator's operations and activities, it is impractical to assign the duty to a person who is not responsible for carrying out the task or activity;
  - (b) based on a risk analysis, assigning the duty to a person who is responsible for carrying out the task or activity will not result in an increased risk to aviation safety; and

(c) the audit of the fatigue risk management system will not be compromised.

[SOR/2018-269, s. 13.]

### **700.250 to 700.254 Reserved**

#### **700.255 Training**

**(1)** The air operator shall ensure that training is provided to its employees every 12 months and covers the subjects set out in Section 700.218.

**(2)** The air operator shall ensure that there is a training record that includes

(a) a description of all the training that each employee has received in accordance with this section; and

(b) evaluation results for each employee who has received training in accordance with this section.

[SOR/2018-269, s. 13.]

#### **700.256 Documentation - Keeping up to Date**

**(1)** The air operator shall ensure that the fatigue risk management system documentation reflects the procedures and processes that have been established and implemented.

**(2)** The air operator shall notify the Minister of any changes to the fatigue risk management system within 60 days after the change is made.

[SOR/2018-269, s. 13.]

#### **700.257 Data and Documentation**

**(1)** The air operator shall collect data in respect of flight crew members on the following:

(a) the fatigue model used to assess the levels of fatigue and alertness of the flight crew members;

(b) records of testing for fatigue and alertness;

(c) the evaluation of the level of fatigue against the baseline level established for comparative analysis.

**(2)** The air operator shall keep the following documentation:

(a) records and documents created in the course of conducting an audit or a review under

this Division; and

(b) any other material created under the fatigue risk management system.

[SOR/2018-269, s. 13.]

### **700.258 Preservation of Information**

The air operator shall keep the information collected and created under this Division for five years after the day on which the information was collected or created.

[SOR/2018-269, s. 13.]

### **700.259 Access to Documentation**

The air operator shall make available to the Minister on request any documentation that it is required to collect or create under this Division.

[Effective 2020/12/12 - No Previous Version]

[SOR/2018-269, s. 13]

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## **Subpart 1 - Foreign Air Operations**

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### **Division I - General**

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#### **701.01 Application**

This Subpart applies in respect of the operation in Canada of a foreign state aircraft or an aircraft operated by a foreign operator in an air transport service.

#### **701.02 Requirement for Canadian Foreign Air Operator Certificate**

(1) Subject to subsections (2) and (3), no person shall operate an aircraft in Canada unless the person complies with the conditions in a Canadian foreign air operator certificate issued to that person by the Minister pursuant to Section 701.07.

(2) A person is not required to hold a Canadian foreign air operator certificate in order to conduct an overflight of Canada or to perform a technical landing in Canada unless the person operates the aircraft under Section 701.19, 701.20 or 701.21.

(3) A person is not required to hold a Canadian foreign air operator certificate in order to

operate a foreign state aircraft in Canada.

### **701.03 Requirements for Flight Authorization**

**(1)** No person, other than the holder of a Canadian foreign air operator certificate, shall conduct an overflight of Canada or perform a technical landing in Canada unless the person is authorized to do so in a flight authorization issued by the Minister pursuant to Section 701.10.

**(2)** No person shall operate a foreign state aircraft in Canada unless the person is authorized to do so in a flight authorization issued by the Minister pursuant to Section 701.10.

### **701.04 to 701.06 Reserved**

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## **Division II - Certification and Authorization**

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### **701.07 Issuance or Amendment of Canadian Foreign Air Operator Certificate**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue or amend a Canadian foreign air operator certificate.

### **701.08 Contents of Canadian Foreign Air Operator Certificate**

A Canadian foreign air operator certificate shall contain

- (a) the legal name, trade name and address of the foreign air operator;
- (b) the number of the foreign air operator certificate;
- (c) the effective date of certification;
- (d) the date of issue of the certificate;
- (e) the general conditions identified in Section 701.09;
- (f) specific conditions with respect to
  - (i) the areas of operation authorized,
  - (ii) the types of service authorized,
  - (iii) the types of aircraft authorized, the conditions of operation and, if

applicable, their registration, and

(iv) the base of operations and the designated points in Canada, if applicable;  
and

(g) where the foreign air operator complies with the *Commercial Air Service Standards*, operations specifications with respect to

(i) instrument approach procedures,

(ii) special weather minima authorizations,

(iii) navigation system authorizations,

(iv) authorizations concerning flight crew member complement,

(v) special helicopter procedures, and

(vi) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

#### **701.09 General Conditions of Canadian Foreign Air Operator Certificate**

A Canadian foreign air operator certificate shall contain the following general conditions:

(a) the foreign air operator shall have a valid air operator certificate or equivalent document issued by the state of the foreign air operator;

(b) the foreign air operator shall make no change in its air transport service in Canada, except in the case of an emergency, without notifying the Minister;

(c) the foreign air operator shall notify the Minister within 10 working days after any change in its legal name or trade name;

(d) the foreign air operator shall conduct flight operations in accordance with the ICAO standards;

(e) the foreign air operator shall maintain its aircraft in accordance with the ICAO standards;

(f) the foreign air operator shall comply with the applicable provisions of these Regulations;  
and

(g) the foreign air operator shall conduct a safe operation.

### **701.10 Issuance of Flight Authorization**

Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue a flight authorization

- (a) to conduct an overflight of Canada or to perform a technical landing in Canada; or
- (b) to operate a foreign state aircraft in Canada.

### **701.11 Contents of Flight Authorization**

A flight authorization shall contain

- (a) the name of the holder of the flight authorization or of the person responsible for the flight;
- (b) the type of aircraft, the registration mark and, if applicable, the serial number;
- (c) the routing;
- (d) the date and time of arrival at, and departure from, the airports concerned;
- (e) the places of embarkation or disembarkation of passengers or freight;
- (f) an authorization for the transportation of dangerous goods or agricultural products, if applicable;
- (g) in the case of a foreign state aircraft, an authorization to conduct flight operations referred to in Section 701.19, 701.20 or 701.21;
- (h) a requirement to conduct all operations in accordance with the applicable provisions of these Regulations; and
- (i) any condition pertaining to the operation that the Minister deems necessary for aviation safety.

### **701.12 to 701.15 Reserved**

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## **Division III - Flight Operations**

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### **701.16 Extended Range Twin-engined Operations**

(1) Subject to subsection (2), no foreign air operator shall commence a flight in Canada in a twin-engined aeroplane certified for more than 20 passenger seats that is intended to be operated on a route containing a point that is farther from an adequate aerodrome than the distance that can be flown in 60 minutes at the one-engine-inoperative cruise speed, unless the flight is conducted wholly within Canadian Domestic Airspace.

(2) A foreign air operator may commence a flight referred to in subsection (1) where

(a) the aeroplane is turbine-powered;

(b) the foreign air operator holds a valid authorization or equivalent document issued by the state of the foreign air operator for extended range twin-engined operations; and

(c) the foreign air operator is authorized to do so in its Canadian foreign air operator certificate.

### **701.17 Canadian Minimum Navigation Performance Specifications (CMNPS) or North Atlantic Minimum Navigation Performance Specifications (NAT-MNPS) Airspace**

[SOR/2006-77, s. 25(F)]

(1) Subject to subsection (2), no foreign air operator shall commence a flight in Canada in an aircraft that is intended to be operated in airspace designated as CMNPS or NAT-MNPS unless

(a) the aircraft has been certified by the state of registry as meeting the minimum navigation performance specifications contained in the *North Atlantic MNPS Airspace Operations Manual*;

(b) the foreign air operator holds a valid authorization or equivalent document issued by the state of the foreign air operator or the state of registry for flight operations in airspace designated as CMNPS or NAT-MNPS; and

(c) the foreign air operator is authorized to do so in its Canadian foreign air operator certificate.

(2) A foreign air operator may, in airspace designated as CMNPS, commence a flight in Canada in an aircraft that has not been certified in accordance with paragraph (1)(a) where the appropriate ATC unit indicates that the aircraft can be accommodated without penalizing CMNPS-certified aircraft.



### **701.18 Routes in Uncontrolled Airspace**

No foreign air operator commencing a flight in Canada shall, in uncontrolled airspace, conduct an IFR flight or a night VFR flight on a route other than an air route unless the foreign air operator

- (a) is authorized to do so in its Canadian foreign air operator certificate; and
- (b) complies with the *Commercial Air Service Standards*.

### **701.19 No Alternate Aerodrome - IFR Flight**

For the purposes of Section 602.122, a person may conduct an IFR flight where an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary if

- (a) in the case of a foreign air operator, the foreign air operator is authorized to do so in its Canadian foreign air operator certificate and complies with the *Commercial Air Service Standards*; or
- (b) in the case of a person who operates a foreign state aircraft, the person is authorized to do so in a flight authorization and complies with the *Commercial Air Service Standards*.

### **701.20 Take-off Minima**

For the purposes of Section 602.126, a person may conduct a take-off in an aircraft where weather conditions are below the take-off minima specified in the *Canada Air Pilot* if

- (a) in the case of a foreign air operator, the foreign air operator is authorized to do so in its Canadian foreign air operator certificate and complies with the *Commercial Air Service Standards*; or
- (b) in the case of a person who operates a foreign state aircraft, the person is authorized to do so in a flight authorization and complies with the *Commercial Air Service Standards*.

### **701.21 Landing Minima**

For the purposes of subsection 602.128(4), a person may conduct a CAT II or CAT III precision approach in an IFR aircraft if

- (a) in the case of a foreign air operator, the foreign air operator is authorized to do so in its Canadian foreign air operator certificate and holds a valid authorization or equivalent document issued by the state of the foreign air operator to conduct a CAT II or CAT III

precision approach in Canada; or

(b) in the case of a person who operates a foreign state aircraft, the person is authorized to do so in a flight authorization and complies with the *Commercial Air Service Standards*.

### **701.22 Transport of Passengers in Single-engined Aircraft**

(1) Subject to subsection (2), no foreign air operator commencing a flight in Canada shall operate a single-engined aircraft with passengers on board in IFR flight or in night VFR flight.

(2) A foreign air operator may operate a single-engined aircraft with passengers on board in IFR flight or in night VFR flight if the foreign air operator

(a) is authorized to do so by the state of the foreign air operator;

(b) is authorized to do so in its Canadian foreign air operator certificate; and

(c) complies with the *Commercial Air Service Standards*.

### **701.23 Admission to Flight Deck**

(1) Where a Department of Transport air carrier inspector presents an official identity card to the pilot-in-command of an aircraft operated by a foreign air operator in Canada, the pilot-in-command shall give the inspector free and uninterrupted access to the flight deck of the aircraft.

(2) A foreign air operator and the pilot-in-command shall make available for the use of the air carrier inspector the observer seat most suitable to perform the inspector's duties, as determined by the inspector.

### **701.24 Seats for Cabin Safety Inspectors**

A foreign air operator shall provide a cabin safety inspector who is performing an in-flight cabin inspection in Canada with a confirmed passenger seat in the passenger compartment.

### **701.25 Aircraft Icing Operations**

(1) In this Section,

"critical surfaces" - means the wings, control surfaces, rotors, propellers, horizontal stabilizers, vertical stabilizers or any other stabilizing surfaces of an aircraft, as well as any other surfaces identified as critical surfaces in the aircraft flight manual.

**(2)** No person shall conduct or attempt to conduct a take-off in an aircraft that has frost, ice or snow adhering to any of its critical surfaces.

**(3)** Despite subsection (2), a person may conduct a take-off in an aircraft that has frost caused by cold-soaked fuel adhering to the underside or upper side, or both, of its wings if the take-off is conducted in accordance with the aircraft manufacturer's instructions for take-off under those conditions.

**(4)** Where conditions are such that frost, ice or snow may reasonably be expected to adhere to an aircraft, no person shall conduct or attempt to conduct a take-off in the aircraft unless

(a) the aircraft has been inspected immediately prior to take-off to determine whether any frost, ice or snow is adhering to any of its critical surfaces; or

(b) the foreign air operator or the holder of the flight authorization has

(i) established, in accordance with ICAO Document No. 9640 entitled *Manual of Aircraft Ground De/Anti-icing Operations*, an aircraft ground icing operations program that has been approved by the state of the foreign air operator or of the holder of the flight authorization, or

(ii) submitted to the Minister an aircraft ground icing operations program that meets the *Commercial Air Service Standards*.

**(5)** The inspection referred to in paragraph (4)(a) shall be performed from outside the aircraft.

**(6)** The inspection referred to in paragraph (4)(a) shall be performed by

(a) the pilot-in-command;

(b) a flight crew member of the aircraft who is designated by the pilot-in-command; or

(c) a person, other than a person referred to in paragraph (a) or (b), who is designated by the foreign air operator or the holder of the flight authorization.

**(7)** No person shall perform the inspection referred to in paragraph (4)(a) unless the person has received annual training concerning aircraft surface contamination in accordance with the *Commercial Air Service Standards*.

**(8)** Where, before commencing a take-off, a crew member of an aircraft observes that there is frost, ice or snow adhering to the wings of the aircraft, the crew member shall immediately report that observation to the pilot-in-command, and the pilot-in-command or a flight crew

member designated by the pilot-in-command shall inspect the wings of the aircraft before take-off.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 10.]

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## Division IV - Flight Deck Security

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### 701.26 Interpretation

In this Division,

"payload capacity" - means the maximum zero fuel weight of an aeroplane set out in the type certificate issued in respect of the aeroplane less

- (a) the empty weight of the aeroplane;
- (b) the equipment necessary for the operation of the aeroplane; and
- (c) the operating load of the aeroplane, which includes the minimum flight crew.

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

[SOR/2003-121, s. 2.]

### 701.27 Application

**(1)** All the provisions of this Division apply in respect of the operation by a foreign air operator, in Canadian airspace, of a transport category aircraft that is

- (a) a passenger-carrying aeroplane in respect of which a type certificate has been issued authorizing the transport of 20 or more passengers; or
- (b) an all-cargo aeroplane with a payload capacity of more than 3 405 kg (7,500 pounds) that was equipped with a flight deck door on June 21, 2002.

**(2)** Section 701.28 also applies in respect of the operation by a foreign air operator, in Canadian airspace, of a transport category aircraft that is

- (a) a passenger-carrying aeroplane in respect of which a type certificate has been issued authorizing the transport of fewer than 20 passengers; or
- (b) an all-cargo aeroplane with a payload capacity of 3 405 kg (7,500 pounds) or less that

was equipped with a flight deck door on June 21, 2002.

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

[SOR/2003-121, s. 2.]

### **701.28 Admission to Flight Deck**

No person shall be admitted to the flight deck of an aeroplane other than

- (a) a flight crew member;
- (b) a crew member performing their duties;
- (c) an inspector of the civil aviation authority of the state where the aeroplane is registered;  
or
- (d) a person who has expertise related to the aeroplane, its equipment or its crew members and who is required to be in the flight deck to provide a service to the air operator.

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

[SOR/2003-121, s. 2.]

### **701.29 Closing and Locking of Flight Deck Door**

**(1)** Subject to subsection (2), the pilot-in-command of an aeroplane that is equipped with a lockable flight deck door and that is carrying passengers shall ensure that at all times from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival the flight deck door is closed and locked.

**(2)** Subsection (1) does not apply when crew members or persons authorized in accordance with subsection 701.28 are required to enter or leave the flight deck

- (a) for the performance of their duties;
- (b) for physiological needs; or
- (c) for an overriding concern related to the safety of the flight.

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

[SOR/2003-121, s. 2.]

### **701.30 Doors and Locks**

**(1)** Subject to subsections (3) and (4), no foreign air operator shall operate a transport category aircraft, except for a newly manufactured aeroplane on a non-revenue flight and any aeroplane

on an overflight, unless the transport category aircraft is equipped with

(a) in the case of a passenger-carrying aeroplane,

(i) a door between the flight deck and the passenger compartment, and

(ii) if the aeroplane is equipped with a crew rest facility having an entry from the flight deck and a separate entry from the passenger compartment, a door between the crew rest facility and the passenger compartment; and

(b) in the case of an all-cargo aeroplane that was equipped with a flight deck door on June 21, 2002,

(i) a door between the flight deck and a compartment occupied by a person, and

(ii) if the aeroplane is equipped with a crew rest facility having an entry from the flight deck and a separate entry from a compartment occupied by a person, a door between the crew rest facility and the compartment.

**(2)** The doors required by subsection (1) shall be equipped with a locking device that can be unlocked only from inside the flight deck or the crew rest facility, as the case may be.

**(3)** A key shall be readily available to each crew member for each door that separates a passenger compartment or a compartment occupied by a person from an emergency exit, with the exception of a door required by subsection (1).

**(4)** No crew member, except a flight crew member, shall have a key to a door required by subsection (1) at any time from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival unless the locking device required by subsection (2) is installed and locked.

**(5)** No foreign air operator shall operate an aeroplane that is required by subsection (1) to be equipped with a door unless each door meets the design requirements of Section 525.795 of the *Airworthiness Manual* in effect on May 1, 2002.

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

[SOR/2003-121, s. 2.]

### **701.31 to 701.36 Reserved**

[Amended 2003/04/09 - Previous Version Dated 1996/10/10]

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## Subpart 2 - Aerial Work

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### Division I - General

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#### 702.01 Application

(1) Subject to subsection (2), this Subpart applies in respect of the operation of an aeroplane or helicopter in aerial work involving

- (a) the carriage on board of persons other than flight crew members;
- (b) the carriage of helicopter Class B, C or D external loads;
- (c) the towing of objects; or

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

- (d) the dispersal of products.

(2) This Subpart does not apply in respect of the operation of an ultra-light aeroplane, or in respect of the operation of an aircraft in aerial work involving sightseeing operations.

[SOR/99-158, s. 4.]

#### 702.02 Aircraft Operation

No air operator shall operate an aircraft under this Subpart unless the air operator complies with the conditions and operations specifications in an air operator certificate issued to that operator by the Minister pursuant to Section 702.07.

#### 702.03 to 702.06 Reserved

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### Division II - Certification

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#### 702.07 Issuance or Amendment of Air Operator Certificate

(1) Subject to Section 6.71 of the Act, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue or amend an

air operator certificate where the applicant demonstrates to the Minister the ability to

- (a) maintain an adequate organizational structure;
- (b) maintain an operational control system;
- (c) meet training program requirements;
- (d) comply with maintenance requirements;
- (e) meet the *Commercial Air Service Standards* for the operation; and
- (f) conduct the operation safely.

**(2)** For the purposes of subsection (1), an applicant shall have

- (a) a management organization capable of exercising operational control;
- (b) managerial personnel who meet the *Commercial Air Service Standards*, are employed on a full-time basis and perform the functions related to the following positions, namely,
  - (i) operations manager,
  - (ii) chief pilot, and
  - (iii) where the applicant does not hold an approved maintenance organization (AMO) certificate, maintenance manager;
- (c) the ground handling services and equipment necessary to ensure the safe handling of its flights;
- (d) aircraft that are properly equipped for and flight crew members who are qualified for the area of operation and the type of operation;
- (e) an operational control system that meets the requirements of Section 702.12;
- (f) a training program that meets the requirements of this Subpart;
- (g) legal custody and control of at least one aircraft of each category of aircraft that is to be operated;
- (h) a *Company Operations Manual* that meets the requirements of Sections 702.81 and 702.82; and



- (i) a maintenance control system approved pursuant to Subpart 6.

### **702.08 Contents of Air Operator Certificate**

An air operator certificate shall contain

- (a) the legal name, trade name and address of the air operator;
- (b) the number of the air operator certificate;
- (c) the effective date of certification;
- (d) the date of issue of the certificate;
- (e) the general conditions identified in Section 702.09;
- (f) specific conditions with respect to
  - (i) the areas of operation authorized,
  - (ii) the types of service authorized,
  - (iii) the types of aircraft authorized and, if applicable, their registration, and any operational restrictions, and
  - (iv) the main base and, if applicable, sub-bases; and
- (g) where the air operator complies with the *Commercial Air Service Standards*, operations specifications with respect to
  - (i) aircraft performance, equipment and emergency equipment requirements,
  - (ii) instrument approach procedures,
  - (iii) operations over a built-up area or in an aerial work zone,
  - (iv) the carriage of persons other than flight crew members and persons whose presence on board an aircraft is essential during flight,
  - (v) special weather minima authorizations,
  - (vi) authorizations concerning flight crew member complement,
  - (vii) navigation system authorizations,

- (viii) pilot training and pilot proficiency checks,
- (ix) special helicopter procedures,
- (x) the air operator maintenance control system approved pursuant to Subpart 6,
- (xi) leasing arrangements, and
- (xii) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

### **702.09 General Conditions of Air Operator Certificate**

An air operator certificate shall contain the following general conditions:

- (a) the air operator shall conduct flight operations in accordance with its *Company Operations Manual*;
- (b) the air operator shall maintain an adequate organizational structure;
- (c) the air operator shall employ managerial personnel who meet the *Commercial Air Service Standards*;
- (d) the air operator shall conduct training in accordance with its training program approved pursuant to this Subpart;
- (e) the air operator shall maintain aircraft that are properly equipped for the area of operation and the type of operation;
- (f) the air operator shall employ crew members who are qualified for the area of operation and the type of operation;
- (g) the air operator shall maintain its aircraft in accordance with the requirements of Subpart 6;
- (h) the air operator shall maintain operational support services and equipment that meet the *Commercial Air Service Standards*;
- (i) the air operator shall notify the Minister within 10 working days after
  - (i) changing its legal name, its trade name, its main base, a sub-base or its managerial personnel, or

(ii) ceasing to operate a type of aircraft authorized under this Subpart; and

(j) the air operator shall conduct a safe operation.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 3]

## **702.10 Reserved**

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### **Division III - Flight Operations**

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#### **702.11 Operating Instructions**

**(1)** An air operator shall ensure that all operations personnel are properly instructed about their duties and about the relationship of their duties to the operation as a whole.

**(2)** The operations personnel of an air operator shall follow the procedures specified in the air operator's *Company Operations Manual* in the performance of their duties.

#### **702.12 Operational Control System**

No air operator shall operate an aircraft unless the air operator has an operational control system that meets the *Commercial Air Service Standards* and is under the control of its operations manager.

#### **702.13 Flight Authorization**

No person shall commence a flight unless the flight has been authorized in accordance with the procedures specified in the air operator's *Company Operations Manual*.

#### **702.14 Operational Flight Plan**

No air operator shall permit a person to commence a flight unless an operational flight plan that meets the *Commercial Air Service Standards* has been prepared in accordance with the procedures specified in the air operator's *Company Operations Manual*.

#### **702.15 Maintenance of Aircraft**

No air operator shall permit a person to conduct a take-off in an aircraft that has not been maintained in accordance with the air operator's maintenance control system.

### 702.16 Carriage of Persons

No air operator shall allow a person who is not a flight crew member to be carried on board an aircraft unless

- (a) the person's presence on board is essential during the flight;
- (b) the air operator is authorized in its air operator certificate to permit parachute descents and the person is a parachutist; or
- (c) the air operator
  - (i) is authorized in its air operator certificate to carry a person, and
  - (ii) complies with the *Commercial Air Service Standards*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 5.]

### 702.17 VFR Flight Minimum Flight Visibility - Uncontrolled Airspace

**(1)** Where an aeroplane is operated in day VFR flight within uncontrolled airspace at less than 1,000 feet AGL, a person may, for the purposes of subparagraph 602.115(c)(i), operate the aeroplane when flight visibility is less than two miles if the person

- (a) is authorized to do so in an air operator certificate; and
- (b) complies with the *Commercial Air Service Standards*.

**(2)** Where a helicopter is operated in day VFR flight within uncontrolled airspace at less than 1,000 feet AGL, a person may, for the purposes of subparagraph 602.115(d)(i), operate the helicopter when flight visibility is less than one mile if the person

- (a) is authorized to do so in an air operator certificate; and
- (b) complies with the *Commercial Air Service Standards*.

### 702.18 Night, VFR OTT and IFR Operations

**(1)** Subject to subsection (2), no air operator shall operate an aircraft at night, in VFR OTT flight or in IFR flight

- (a) while towing;

(b) while carrying a helicopter Class B, C or D external load;

(c) while dispersing products; or

(d) where the aircraft is a single-engined aircraft.

**(2)** An air operator may operate an aircraft at night, in VFR OTT flight or in IFR flight in any of the cases referred to in subsection (1), if the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(3)** No air operator shall operate an aircraft at night with persons other than flight crew members on board unless

(a) the pilot-in-command has an instrument rating; or

(b) the air operator is authorized in its air operator certificate to permit parachute descents and night VFR flight and

(i) the persons are parachutists,

(ii) the flight takes place within 10 nautical miles of the aerodrome of departure, and

(iii) the flight takes place at night; or

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

(c) the air operator is authorized in its air operator certificate to carry persons, other than parachutists, and the air operator complies with the *Commercial Air Service Standards*.

[Amended 1999/06/01 - No Previous Version]

[SOR/99-158, s. 6.]

### **702.19 Entering or Leaving a Helicopter in Flight**

For the purposes of paragraph 602.25(2)(b), the pilot-in-command of a helicopter may permit a person to enter or leave the helicopter in flight

(a) where

(i) the helicopter is operated at a low hover,

(ii) the person is able to enter directly from or alight directly onto the supporting

surface,

(iii) the air operator is authorized to do so in its air operator certificate, and

(iv) the air operator complies with the *Commercial Air Service Standards*; or

(b) where

(i) the helicopter is operated to enable hoisting or rappelling, and

(ii) the air operator complies with Section 702.21.

### **702.20 Aircraft Operating over Water**

No air operator shall, except when conducting a take-off or landing, operate a land aircraft over water, beyond a point where the land aircraft could reach shore in the event of an engine failure, unless the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **702.21 Helicopter Class D External Loads**

**(1)** Subject to subsection (2), no air operator shall operate a helicopter to carry a helicopter Class D external load unless

(a) the helicopter is a multi-engined helicopter that meets the transport category engine-isolation requirements of Chapter 529 of the *Airworthiness Manual* and that is capable of hovering with one engine inoperative at the existing weight and altitude;

(b) the air operator is authorized to do so in its air operator certificate; and

(c) the air operator complies with the *Commercial Air Service Standards*.

**(2)** An air operator may operate a helicopter other than a helicopter described in paragraph (1)(a) to carry a helicopter Class D external load if the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **702.22 Built-up Area and Aerial Work Zone**

**(1)** For the purposes of subsection 602.13(1), a person may conduct a take-off, approach or landing in an aircraft within a built-up area of a city or town at a place other than an airport, heliport or a military aerodrome, if the person

(a) has an authorization from the Minister or is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(2)** For the purposes of paragraph 602.15(2)(a), a person may operate an aircraft over a built-up area at altitudes and distances less than those specified in paragraph 602.14(2)(a), if the person

(a) has an authorization from the Minister or is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(3)** For the purposes of subsection 602.16(2), a person may operate a helicopter that is carrying a helicopter Class B, C or D external load over a built-up area or in an aerial work zone, if the person

(a) has an authorization from the Minister or is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 13.]

### **702.23 Briefing of Persons other than Flight Crew Members**

The pilot-in-command shall ensure that persons, other than flight crew members, who are on board the aircraft are given a safety briefing that meets the *Commercial Air Service Standards*.

### **702.24 Operation of Aircraft in Icing Conditions**

When icing conditions are reported to exist or are forecast to be encountered along the route of flight, no person shall authorize a flight or its continuation or conduct a take-off or continue a flight in an aircraft, even if the pilot-in-command determines that the aircraft is adequately equipped to operate in icing conditions in accordance with paragraph 605.30(a), if, in the opinion of the pilot-in-command, the safety of the flight might be adversely affected.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 4.]

### **702.25 to 702.31 Reserved**

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

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## **Division IV - Aircraft Performance Operating Limitations**

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### **702.32 to 702.41 Reserved**

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## **Division V - Aircraft Equipment Requirements**

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### **702.42 Night and IMC Flights**

**(1)** No person shall operate an aircraft at night unless the aircraft is equipped with

(a) at least one landing light; and

(b) if the aircraft is operated in icing conditions, a means of illumination or other means to detect the formation of ice.

**(2)** No person shall operate a multi-engined aircraft in IMC unless the aircraft is equipped with

(a) two generators or two alternators, each of which is driven by a separate engine or by a rotor drive train; and

(b) two independent sources of energy, at least one of which is not a battery, and each of which is able to drive all flight instruments requiring a source of energy and is installed so that the failure of one instrument or one source of energy will affect neither the energy supply to the remaining instruments nor the other source of energy.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 5.]

### **702.43 Additional Equipment for Single-pilot Operations**

No air operator shall operate an aircraft on a single-pilot operation in IFR flight unless the aircraft is equipped with

(a) an auto-pilot that is capable of operating the aircraft controls to maintain flight and manoeuvre the aircraft about the lateral and longitudinal axes;



(b) a headset with a boom microphone or equivalent and a transmit button on the control column; and

(c) a chart holder that is equipped with a light and that is placed in an easily readable position.

#### **702.44 Shoulder Harnesses**

No air operator shall operate an aircraft unless the pilot seat and any seat beside the pilot seat are equipped with a safety belt that includes a shoulder harness.

#### **702.45 External Load Equipment**

No air operator shall operate an aircraft carrying an external load unless the attachment device is authorized in a supplemental type certificate or in an airworthiness approval relating to the operational configuration of the aircraft.

#### **702.46 ACAS**

**(1)** Subject to subsection (3), no air operator shall operate a turbine-powered aeroplane having an MCTOW greater than 15 000 kg (33,069 pounds) in RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119b or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(2)** Subject to subsection (3), no air operator shall operate a turbine-powered aeroplane having an MCTOW greater than 15 000 kg (33,069 pounds) in airspace outside RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(3)** The air operator may operate the aeroplane without its being equipped with an operative

ACAS if

(a) where a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the date of failure of the ACAS;

(b) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the ACAS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list; or

(c) the aeroplane is engaged in or configured for use in fire fighting, aerial spraying services or aerial surveying and operates only in low level airspace.

**(4)** This Section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until two years after that day.

[Amended 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 1996/10/10]

[SOR/2007-133, s. 6; SOR/2009-280, ss. 37, 39, 41, 42.]

### **702.47 to 702.53 Reserved**

[Amended 2007/07/01 - Previous Version Dated 1996/10/10]

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## **Division VI - Emergency Equipment**

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### **702.54 to 702.63 Reserved**

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## **Division VII - Personnel Requirements**

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### **702.64 Designation of Pilot-in-command and Second-in-command**

An air operator shall designate for each flight a pilot-in-command and, where the crew includes two pilots, a pilot-in-command and a second-in-command.

### **702.65 Flight Crew Member Qualifications**

No air operator shall permit a person to act and no person shall act as a flight crew member in an aircraft unless the person

(a) holds the licence and ratings required by Part IV or, where the air operator is the holder

of an air operator certificate issued in accordance with Chapter 15 and Annex I - Schedule of Canada of CUSMA, the equivalent foreign licence and ratings;

(b) where the aircraft is operated in IFR flight and persons other than flight crew members are on board, has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*;

(c) if the person is not the chief pilot, has successfully completed a competency check or a pilot proficiency check, the validity period of which has not expired, for that type of aircraft in accordance with the *Commercial Air Service Standards*; and

(d) has fulfilled the requirements of the air operator's ground and flight training program.

[Effective 2020/06/26 - Previous Version Dated 1999/06/01][Amended 1999/06/01 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 7; SOR/2020-150, s. 4.]

### **702.66 Check Authority**

**(1)** A pilot proficiency check shall be conducted by the Minister.

**(2)** Any other check required under this Subpart may be conducted by the Minister.

### **702.67 Validity Period**

**(1)** Subject to subsections (3) and (5), the validity period of a pilot proficiency check expires on the first day of the twenty-fifth month following the month in which the proficiency check was completed.

**(2)** Subject to subsections (4) and (5), the validity period of a competency check and the annual training referred to in Section 702.76 expires on the first day of the thirteenth month following the month in which the competency check or training was completed.

**(3)** Where a pilot proficiency check is renewed within the last 90 days of its validity period, its validity period is extended by 24 months.

**(4)** Where a competency check or annual training is renewed within the last 90 days of its validity period, its validity period is extended by 12 months.

**(5)** The Minister may extend the validity period of a pilot proficiency check, a competency check or annual training by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.

(6) Where the validity period of a pilot proficiency check, a competency check or annual training has been expired for 24 months or more, the person shall requalify by meeting the training requirements specified in the *Commercial Air Service Standards*.

### **702.68 to 702.75 Reserved**

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## **Division VIII - Training**

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### **702.76 Training Program**

- (1) Every air operator shall establish and maintain a ground and flight training program that is
- (a) designed to ensure that each person who receives training acquires the competence to perform the person's assigned duties; and
  - (b) approved by the Minister in accordance with the *Commercial Air Service Standards*.
- (2) An air operator's ground and flight training program shall include
- (a) company indoctrination training;
  - (b) upgrading training;
  - (c) training in the aerial work to be conducted; and
  - (d) initial and annual training, including
    - (i) aircraft type training,
    - (ii) aircraft servicing and ground handling training,
    - (iii) emergency procedures training,
    - (iv) aircraft surface contamination training for pilots and other operations personnel,
    - (v) training for personnel who are assigned to perform duties on board an aircraft or who are carried externally by an aircraft, and
    - (vi) any other training required to ensure a safe operation under this Subpart.

**(3)** An air operator shall

(a) include a detailed syllabus of its ground and flight training program in its *Company Operations Manual*;

(b) ensure that adequate facilities and qualified personnel are provided for its ground and flight training program, in accordance with the *Commercial Air Service Standards*; and

(c) establish and maintain a safety awareness program concerning the adverse effects of aircraft surface contamination and provide the program to all flight operations personnel who are not required to receive the training described in subparagraph (2)(d)(iv).

### **702.77 Training and Qualification Records**

**(1)** Every air operator shall, for each person who is required to receive training under this Subpart, establish and maintain a record of

(a) the person's name and, where applicable, personnel licence number, type and ratings;

(b) if applicable, the person's medical category and the expiry date of that category;

(c) the dates on which the person, while in the air operator's employ, successfully completed any training, pilot proficiency check, competency check or examination required under this Subpart or obtained any qualification required under this Subpart;

(d) information relating to any failure of the person, while in the air operator's employ, to successfully complete any training, pilot proficiency check, competency check or examination required under this Subpart or to obtain any qualification required under this Subpart; and

(e) the type of aircraft or flight training equipment used for any training, pilot proficiency check, competency check or qualification required under this Subpart.

**(2)** An air operator shall retain the records referred to in paragraphs (1)(c) and (d) and a record of each pilot proficiency check for at least three years.

**(3)** An air operator shall retain a copy of the most recent written examination completed by each pilot for each type of aircraft for which the pilot has a qualification.

### **702.78 to 702.80 Reserved**

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## Division IX - Manuals

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### 702.81 Requirements Relating to Company Operations Manual

- (1) Every air operator shall establish and maintain a *Company Operations Manual* that meets the requirements of Section 702.82.
- (2) An air operator shall submit its *Company Operations Manual*, and any amendments to that manual, to the Minister.
- (3) Where there is a change in any aspect of an air operator's operation or where the *Company Operations Manual* no longer meets the *Commercial Air Service Standards*, the air operator shall amend its *Company Operations Manual*.
- (4) The Minister shall, where the *Commercial Air Service Standards* are met, approve those parts of a *Company Operations Manual*, and any amendments to those parts, that relate to the information required by Section 702.82.

### 702.82 Contents of Company Operations Manual

- (1) A *Company Operations Manual*, which may be issued in separate parts corresponding to specific aspects of an operation, shall include the instructions and information necessary to enable the personnel concerned to perform their duties safely and shall contain the information required by the *Commercial Air Service Standards*.
- (2) A *Company Operations Manual* shall be such that
  - (a) all parts of the manual are consistent and compatible in form and content;
  - (b) the manual can be readily amended;
  - (c) the manual contains an amendment control page and a list of the pages that are in effect; and
  - (d) the manual has the date of the last amendment to each page specified on that page.

### 702.83 Distribution of Company Operations Manual

- (1) Subject to subsection (2), an air operator shall provide a copy of the appropriate parts of its *Company Operations Manual*, including any amendments to those parts, to each of its crew

members and to its ground operations and maintenance personnel.

**(2)** If an air operator has established procedures in its *Company Operations Manual* for amending the manual, the air operator may, instead of providing a copy of the appropriate parts of that manual to each crew member, place a copy of those parts

(a) in each aircraft that it operates; or

(b) in an appropriate place other than an aircraft that it operates for the purpose of conducting a parachute descent within 25 nautical miles of the aerodrome of departure.

**(3)** Every person who has been provided with a copy of the appropriate parts of a *Company Operations Manual* pursuant to subsection (1) shall keep it up to date with the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 6.]

### **702.84 Standard Operating Procedures**

**(1)** Every air operator shall, for each of its aircraft that is required to be operated by two or more pilots, establish and maintain standard operating procedures that enable the crew members to operate the aircraft within the limitations specified in the aircraft flight manual and that meet the *Commercial Air Service Standards*.

**(2)** An air operator that has established standard operating procedures for an aircraft shall ensure that a copy of the standard operating procedures is carried on board the aircraft.

### **702.85 to 702.90 Reserved**

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## **Division X - Flight Time, Flight Duty Period Limitations and Rest Periods**

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### **702.91 Monitoring System**

**(1)** An air operator shall have a system that monitors the flight time, flight duty periods and rest periods of each of its flight crew members and shall include in its *Company Operations Manual* the details of that system.

**(2)** If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time referred

to in Section 702.92 or the maximum flight duty period referred to in Section 702.93 being exceeded, the person shall advise the air operator as soon as possible.

[SOR/2018-269, s. 14.]

### **702.92 Maximum Flight Time**

**(1)** Subject to subsection (2), an air operator shall not assign flight time to a flight crew member, and a flight crew member shall not accept such an assignment, if the member's total flight time will, as a result, exceed

- (a) 1,200 hours in any 365 consecutive days;
- (b) 300 hours in any 90 consecutive days;
- (c) 120 hours in any 30 consecutive days or, in the case of a flight crew member on call, 100 hours in any 30 consecutive days;
- (d) 60 hours in any 7 consecutive days; or
- (e) if the member conducts single-pilot IFR flights, eight hours in any 24 consecutive hours.

**(2)** However, an air operator may assign flight time to a flight crew member, and a member may accept such an assignment, even if the member's flight time will, as a result, exceed the flight time referred to in subsection (1) if

- (a) the extension of flight time is authorized in the air operator certificate; and
- (b) the air operator and the member comply with the *Commercial Air Service Standards*.

**(3)** Subject to Section 702.94, a flight crew member who reaches a flight time limitation established by this section shall not remain on flight duty or be reassigned to flight duty until the member has been provided with the rest period required by Section 702.93 or the time free from duty required by Section 702.96.

[SOR/2018-269, s. 14.]

### **702.93 Maximum Flight Duty Period and Rest Periods**

**(1)** Subject to subsections (3) and (5), an air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the member's flight duty period will, as a result, exceed 14 consecutive hours in any 24 consecutive hours.

**(2)** Following a flight duty period, an air operator shall provide a flight crew member with the



minimum rest period and any additional rest period required by this Subpart.

**(3)** When a flight duty period includes a rest period, the flight duty period may be extended beyond the maximum flight duty period referred to in subsection (1) by one-half the length of the rest period referred to in paragraph (b), to a maximum of three hours, if the air operator

(a) provides the flight crew member with advance notice of the extension of the flight duty period;

(b) provides the member with a rest period of at least four consecutive hours in suitable accommodation; and

(c) does not interrupt the member's rest period.

**(4)** An air operator shall extend the rest period that follows the flight duty period referred to in subsection (3) and that is provided before the next flight duty period by an amount of time that is at least equal to the length of the extension of the flight duty period.

**(5)** An air operator may assign a flight duty period to a flight crew member, and a flight crew member may accept such an assignment, even if the flight duty period will, as a result, exceed the maximum flight duty period referred to in subsection (1) if

(a) the extension of the flight duty period is authorized in the air operator certificate; and

(b) the air operator and the member comply with the *Commercial Air Service Standards*.

[SOR/2018-269, s. 14.]

### **702.94 Unforeseen Operational Circumstances**

The total flight time referred to in subsection 702.92(1) and the maximum flight duty period referred to in subsection 702.93(1) may be exceeded if

(a) the flight is extended as a result of an unforeseen operational circumstance that occurs after the beginning of the flight duty period;

(b) the pilot-in-command, after consulting with the other flight crew members, considers it safe to exceed the total flight time and maximum flight duty period; and

(c) the air operator and the pilot-in-command comply with the *Commercial Air Service Standards*.

[SOR/2018-269, s. 14.]

### 702.95 Delayed Reporting Time

If a flight crew member is notified of a delay in reporting time before leaving a rest facility and the delay is in excess of three hours, the member's flight duty period is considered to have begun three hours after the original reporting time.

[SOR/2018-269, s. 14.]

### 702.96 Time Free from Duty

**(1)** An air operator shall provide each flight crew member with the following time free from duty:

(a) at least 24 consecutive hours 13 times within any 90 consecutive days and 3 times within any 30 consecutive days; and

(b) when the member is a flight crew member on call, at least 36 consecutive hours within any 7 consecutive days or at least 3 consecutive days within any 17 consecutive days.

**(2)** However, an air operator may provide a flight crew member with time free from duty other than as required by paragraph (1)(a) if

(a) the time free from duty is authorized in the air operator certificate; and

(b) the air operator and the member comply with the *Commercial Air Service Standards*.

**(3)** An air operator shall notify a flight crew member on call of the start and duration of the member's time free from duty.

[SOR/2018-269, s. 14.]

### 702.97 Flight Crew Member Positioning

If a flight crew member is required by an air operator to travel for the purpose of positioning after the completion of a flight duty period, the air operator shall provide the member with an additional rest period that is at least equal to one-half the time spent travelling that is in excess of the member's maximum flight duty period.

[SOR/2018-269, s. 14.]

### 702.98 Long-range Flights

**(1)** A flight duty period during which there is one flight or a series of flights and that ends more than four one-hour time zones from the point of departure, other than a series of flights that is conducted entirely within Northern Domestic Airspace, shall be limited to three flights, in the

case of a series of flights, and shall be followed by a rest period that is at least equal to the length of the flight duty period.

**(2)** If a flight referred to in subsection (1) is a transoceanic flight, the maximum number of flights that may be conducted after the transoceanic flight is one, excluding one unscheduled technical stop that occurs during the flight.

[Effective 2018/12/12 - No Previous Version]

[SOR/2018-269, s. 14.]

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## **Subpart 3 - Air Taxi Operations**

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### **Division I - General**

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#### **703.01 Application**

This Subpart applies in respect of the operation by a Canadian air operator, in an air transport service or in aerial work involving sightseeing operations, of any of the following aircraft:

- (a) a single-engined aircraft;
- (b) a multi-engined aircraft, other than a turbo-jet-powered aeroplane, that has a MCTOW of 8 618 kg (19,000 pounds) or less and a seating configuration, excluding pilot seats, of nine or less;
- (b.1) a multi-engined helicopter certified for operation by one pilot and operated under VFR; and
- (c) any aircraft that is authorized by the Minister to be operated under this Subpart.

[Amended 2005/12/01 - Previous Version Dated 1996/10/10]

[SOR/2005-193, s. 1.]

#### **703.02 Aircraft Operation**

No air operator shall operate an aircraft under this Subpart unless the air operator complies with the conditions and operations specifications in an air operator certificate issued to that operator by the Minister pursuant to Section 703.07.

#### **703.03 to 703.06 Reserved**

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## Division II - Certification

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### 703.07 Issuance or Amendment of Air Operator Certificate

(1) Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue or amend an air operator certificate where the applicant demonstrates to the Minister the ability to

- (a) maintain an adequate organizational structure;
- (b) maintain an operational control system;
- (c) meet training program requirements;
- (d) comply with maintenance requirements;
- (e) meet the *Commercial Air Service Standards* for the operation; and
- (f) conduct the operation safely.

(2) For the purposes of subsection (1), an applicant shall have

- (a) a management organization capable of exercising operational control;
- (b) managerial personnel who have been approved by the Minister in accordance with the *Commercial Air Service Standards*, are employed on a full-time basis and perform the functions related to the following positions, namely,
  - (i) operations manager,
  - (ii) chief pilot, and
  - (iii) where the applicant does not hold an approved maintenance organization (AMO) certificate, maintenance manager;
- (c) operational support services and equipment that meet the *Commercial Air Service Standards*;
- (d) aircraft that are properly equipped for and flight crew members who are qualified for the area of operation and the type of operation;

- (e) an operational control system that meets the requirements of Section 703.16;
- (f) a training program that meets the requirements of this Subpart;
- (g) legal custody and control of at least one aircraft of each category of aircraft that is to be operated;
- (h) a *Company Operations Manual* that meets the requirements of Sections 703.104 and 703.105; and
- (i) a maintenance control system approved pursuant to Subpart 6.

### **703.08 Contents of Air Operator Certificate**

An air operator certificate shall contain

- (a) the legal name, trade name and address of the air operator;
- (b) the number of the air operator certificate;
- (c) the effective date of certification;
- (d) the date of issue of the certificate;
- (e) the general conditions identified in Section 703.09;
- (f) specific conditions with respect to
  - (i) the areas of operation authorized,
  - (ii) the types of service authorized,
  - (iii) the types of aircraft authorized and, if applicable, their registration, and any operational restrictions, and
  - (iv) the main base, scheduled points and, if applicable, sub-bases; and
- (g) where the air operator complies with the *Commercial Air Service Standards*, operations specifications with respect to
  - (i) aircraft performance, equipment and emergency equipment requirements,
  - (ii) instrument approach procedures,

- (iii) enroute aerodrome authorizations and limitations,
- (iv) special weather minima authorizations,
- (v) authorizations concerning flight crew member complement,
- (vi) pilot training and pilot proficiency checks,
- (vii) special helicopter procedures,
- (viii) the air operator maintenance control system approved pursuant to Subpart 6,
- (ix) leasing arrangements,
- (ix.1) navigation system authorizations, and
- (x) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

[Effective 2019/06/14 - Previous Version Dated 2009/05/28][Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 7; SOR/2019-119, s. 38; SOR/2021-152, s. 9(F).]

### **703.09 General Conditions of Air Operator Certificate**

An air operator certificate shall contain the following general conditions:

- (a) the air operator shall conduct flight operations in accordance with its *Company Operations Manual*;
- (b) the air operator shall maintain an adequate organizational structure;
- (c) the air operator shall employ managerial personnel who meet the *Commercial Air Service Standards*;
- (d) the air operator shall conduct training in accordance with its training program approved pursuant to this Subpart;
- (e) the air operator shall maintain aircraft that are properly equipped for the area of operation and the type of operation;
- (f) the air operator shall employ crew members who are qualified for the area of operation and the type of operation;
- (g) the air operator shall maintain its aircraft in accordance with the requirements of

Subpart 6;

(h) the air operator shall maintain operational support services and equipment that meet the *Commercial Air Service Standards*;

(i) the air operator shall notify the Minister within 10 working days after

(i) changing its legal name, its trade name, its main base, a sub-base, a scheduled point, or its managerial personnel, or

(ii) ceasing to operate a type of aircraft authorized under this Subpart; and

(j) the air operator shall conduct a safe operation.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 8.]

### **703.10 to 703.13 Reserved**

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## **Division III - Flight Operations**

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### **703.14 Operating Instructions**

(1) An air operator shall ensure that all operations personnel are properly instructed about their duties and about the relationship of their duties to the operation as a whole.

(2) The operations personnel of an air operator shall follow the procedures specified in the air operator's *Company Operations Manual* in the performance of their duties.

### **703.15 Scheduled Air Service Requirements**

(1) Subject to subsection (2), every air operator that operates a scheduled air service for the purpose of transporting persons shall operate the service between airports or heliports or between an airport or heliport and a military aerodrome.

(2) An air operator may operate a scheduled air service for the purpose of transporting persons between an airport and an aerodrome other than a military aerodrome or between two aerodromes if the air operator is authorized to do so in its air operator certificate.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 14.]

### **703.16 Operational Control System**

No air operator shall operate an aircraft unless the air operator has an operational control system that meets the *Commercial Air Service Standards* and is under the control of its operations manager.

### **703.17 Flight Authorization**

No person shall commence a flight unless the flight has been authorized in accordance with the procedures specified in the air operator's *Company Operations Manual*.

### **703.18 Operational Flight Plan**

**(1)** No air operator shall permit a person to commence a flight unless an operational flight plan that meets the *Commercial Air Service Standards* has been prepared in accordance with the procedures specified in the air operator's *Company Operations Manual*.

**(2)** The pilot-in-command of an aircraft shall ensure that a copy of the operational flight plan is left at a point of departure, in accordance with the procedures specified in the *Company Operations Manual*.

**(3)** An air operator shall retain a copy of the operational flight plan, including any amendments to that plan, for the period specified in the *Company Operations Manual*.

### **703.19 Maintenance of Aircraft**

No air operator shall permit a person to conduct a take-off in an aircraft that has not been maintained in accordance with the air operator's maintenance control system.

### **703.20 Fuel Requirements**

No air operator shall authorize a flight and no person shall commence a flight unless the aircraft carries sufficient fuel to meet the fuel requirements of Part VI and to allow the aircraft

(a) in the case of an aeroplane operated in IFR flight,

(i) to descend at any point along the route to the lower of

(A) the single-engined service ceiling, or

(B) 10,000 feet,

(ii) to cruise at the altitude referred to in subparagraph (i) to a suitable



aerodrome,

(iii) to conduct an approach and a missed approach, and

(iv) to hold for 30 minutes at an altitude of 1,500 feet above the elevation of the aerodrome selected in accordance with subparagraph (ii); and

(b) in the case of a helicopter operated in night VFR flight, to fly to the destination aerodrome and then to fly for 30 minutes at normal cruising speed.

### **703.21 Admission to Pilot's Compartment**

(1) Where a Department of Transport air carrier inspector presents an official identity card to the pilot-in-command of an aircraft, the pilot-in-command shall give the inspector free and uninterrupted access to the pilot's compartment of the aircraft.

(2) An air operator and the pilot-in-command shall make available for the use of the air carrier inspector the seat most suitable to perform the inspector's duties, as determined by the inspector.

### **703.22 Transport of Passengers in Single-engined Aircraft**

(1) Subject to subsection (2), no air operator shall operate a single-engined aircraft with passengers on board in IFR flight or in night VFR flight.

(2) An air operator may operate a single-engined aircraft with passengers on board in IFR flight or in night VFR flight if the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.23 Aircraft Operating over Water**

No air operator shall, except when conducting a take-off or landing, operate a land aircraft over water, beyond a point where the land aircraft could reach shore in the event of an engine failure, unless the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.24 Number of Passengers in Single-Engined Aircraft**

No air operator shall operate a single-engined aircraft with more than nine passengers on board unless

- (a) the aircraft is a transport category helicopter;
- (b) the air operator is authorized to do so in its air operator certificate; and
- (c) the air operator complies with the *Commercial Air Service Standards*.

### **703.25 Carriage of External Loads**

Except where carriage of an external load has been authorized in a type certificate or supplemental type certificate, no air operator shall operate an aircraft to carry an external load with passengers on board.

### **703.26 Simulation of Emergency Situations**

No person shall, if passengers or cargo are on board an aircraft, simulate emergency situations that could affect the flight characteristics of the aircraft.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 16.]

### **703.27 VFR Flight Obstacle Clearance Requirements**

Except when conducting a take-off or landing, no person shall operate an aircraft in VFR flight

- (a) at night, at less than 1,000 feet above the highest obstacle located within a horizontal distance of three miles from the route to be flown; or
- (b) where the aircraft is an aeroplane, during the day, at less than 300 feet AGL or at a horizontal distance of less than 300 feet from any obstacle.

### **703.28 VFR Flight Minimum Flight Visibility - Uncontrolled Airspace**

**(1)** Where an aeroplane is operated in day VFR flight within uncontrolled airspace at less than 1,000 feet AGL, a person may, for the purposes of subparagraph 602.115(c)(i), operate the aeroplane when flight visibility is less than two miles if the person

- (a) is authorized to do so in an air operator certificate; and
- (b) complies with the *Commercial Air Service Standards*.

**(2)** Where a helicopter is operated in day VFR flight within uncontrolled airspace at less than

1,000 feet AGL, a person may, for the purposes of subparagraph 602.115(d)(i), operate the helicopter when flight visibility is less than one mile if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.29 VFR Flight Weather Conditions**

No person shall commence a VFR flight unless current weather reports and forecasts, if obtainable, indicate that the weather conditions along the route to be flown and at the destination aerodrome will be such that the flight can be conducted in compliance with VFR.

### **703.30 Take-off Minima**

**(1)** Subject to subsection (2), no person shall conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used unless

(a) the take-off is authorized in an air operator certificate; and

(b) the person complies with the *Commercial Air Service Standards*.

**(2)** A person may conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used, if the weather conditions are at or above the landing minima for another suitable runway at that aerodrome.

**(3)** For the purposes of Section 602.126, a person may conduct a take-off in an aircraft in IMC where weather conditions are below the take-off minima specified in the instrument approach procedure, if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(4)** For the purposes of this Section, the landing minima are the decision height or the minimum descent altitude and the visibility published for an approach.

### **703.31 No Alternate Aerodrome - IFR Flight**

For the purposes of Section 602.122, a person may conduct an IFR flight where an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary, if the

person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.32 Enroute Limitations**

No person shall operate a multi-engined aircraft with passengers on board in IFR flight or in night VFR flight if the weight of the aircraft is greater than the weight that will allow the aircraft to maintain, with any engine inoperative, the MOCA of the route to be flown.

### **703.33 VFR OTT Flight**

No person shall operate an aircraft in VFR OTT flight unless the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.34 Routes in Uncontrolled Airspace**

No person shall, in uncontrolled airspace, conduct an IFR flight or a night VFR flight on a route other than an air route unless the air operator establishes the route in accordance with the *Commercial Air Service Standards*.

### **703.35 Reserved**

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

### **703.36 Minimum Altitudes and Distances**

For the purposes of Sections 602.13 and 602.15, a person may conduct a take-off, approach or landing in a helicopter within a built-up area of a city or town, or operate a helicopter at altitudes and distances less than those specified in subsection 602.14(2), if the person

(a) has an authorization from the Minister or is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.37 Weight and Balance Control**

**(1)** No person shall operate an aircraft unless, during every phase of the flight, the load

restrictions, weight and centre of gravity of the aircraft conform to the limitations specified in the aircraft flight manual.

**(2)** An air operator shall have a weight and balance system that meets the *Commercial Air Service Standards*.

**(3)** An air operator shall specify in its *Company Operations Manual* its weight and balance system and instructions to employees regarding the preparation and accuracy of weight and balance forms.

### **703.38 Passenger and Cabin Safety Procedures**

**(1)** An air operator shall establish procedures to ensure that

(a) passengers move to and from the aircraft and embark and disembark safely, in accordance with procedures that meet the *Commercial Air Service Standards* and that are specified in the air operator's *Company Operations Manual*;

(b) all passengers are seated and secured in accordance with subsection 605.26(1); and

(c) seats located at emergency exits are not occupied by passengers whose presence in those seats could adversely affect the safety of passengers or crew members during an emergency evacuation.

**(2)** No air operator shall permit an aircraft with passengers on board to be fuelled unless the fuelling is carried out in accordance with procedures that meet the *Commercial Air Service Standards* and that are specified in the air operator's *Company Operations Manual*.

**(3)** Repealed.

[Effective 2019/08/08 - Previous Version Dated 1996/10/10]

[SOR/2019-296, s. 8.]

### **703.39 Briefing of Passengers**

**(1)** The pilot-in-command shall ensure that passengers are given a safety briefing in accordance with the *Commercial Air Service Standards*.

**(2)** If the safety briefing referred to in subsection (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations, seat orientation or responsibility for another person on board the aircraft, the pilot in command shall ensure that the passenger is given an individual safety briefing that

(a) is appropriate to the passenger's needs; and

(b) meets the *Commercial Air Service Standards*.

**(3)** An air operator shall ensure that each passenger is provided, at the passenger's seat or by means of clearly visible placards, with the safety information required by the *Commercial Air Service Standards*.

**(4)** The pilot-in-command shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the *Commercial Air Service Standards*.

**(5)** The pilot-in-command shall ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 9.]

### **703.40 Instrument Approach Procedures**

No person shall terminate an instrument approach with a landing unless, immediately before landing, the pilot-in-command ascertains, by means of radiocommunication or visual inspection,

(a) the condition of the runway or surface of intended landing; and

(b) the wind direction and speed.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 17.]

### **703.41 Approach Bans - Non-precision Approach, APV and CAT I Precision**

**(1)** For the purposes of subsections (2) to (4), the visibility with respect to an aeroplane is less than the minimum visibility required for a non-precision approach, an APV or a CAT I precision approach if, in respect of the advisory visibility specified in the *Canada Air Pilot* and set out in column I of an item in the table to this Section,

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the runway of intended approach is less than the visibility set out in column II of the item for the

approach conducted;

(c) where no RVR for the runway of intended approach is available, the runway visibility is less than the visibility set out in column II of the item for the approach conducted; or

(d) where the aerodrome is located south of the 60<sup>th</sup> parallel of north latitude and no RVR or runway visibility for the runway of intended approach is available, the ground visibility at the aerodrome where the runway is located is less than the visibility set out in column II of the item for the approach conducted.

**(2)** No person shall continue a non-precision approach or an APV unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane has a minimum flight crew composed of a pilot-in-command and a second-in-command;

(c) if the flight crew does not use pilot-monitored-approach procedures, the aeroplane is equipped with an autopilot capable of conducting a non-precision approach or an APV to 400 feet AGL or lower;

(d) the instrument approach procedure is conducted to straight-in minima; and

(e) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(3)** No person shall continue an SCDA non-precision approach unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane has a minimum flight crew composed of a pilot-in-command and a second-in-command;

(c) if the flight crew does not use pilot-monitored-approach procedures, the aeroplane is equipped with an autopilot capable of conducting a non-precision approach to 400 feet AGL

or lower;

(d) the instrument approach procedure is conducted to straight-in minima with a final approach course that meets the requirements of Section 723.41 of Standard 723 - Air Taxi - Aeroplanes of the *Commercial Air Service Standards*;

(e) the final approach segment is conducted using a stabilized descent with a planned constant descent angle specified in Section 723.41 of Standard 723 - Air Taxi - Aeroplanes of the *Commercial Air Service Standards*; and

(f) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(4)** No person shall continue a CAT I precision approach to a runway with centreline lighting unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane has a minimum flight crew composed of a pilot-in-command and a second-in-command;

(c) the aeroplane is equipped with

(i) a flight director and autopilot capable of conducting a coupled precision approach to 200 feet AGL or lower, or

(ii) if the flight crew uses pilot-monitored-approach procedures, a flight director capable of conducting a precision approach to 200 feet AGL or lower;

(d) the runway is equipped with serviceable high-intensity approach lighting, high-intensity runway centreline lighting and high-intensity runway edge lighting; and

(e) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),



(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**Table - Approach Bans - Visibility**

	Column I		Column II	
	Canada Air Pilot Advisory Visibility		Visibility Report	
Item	Statute Miles	RVR in Feet	Statute Miles	Feet
1.	1/2	2 600	1/4	1 200
2.	3/4	4 000	3/8	2 000
3.	1	5 000	1/2	2 600
4.	1 1/4		5/8	3 400
5.	1 1/2		3/4	4 000
6.	1 3/4		1	5 000
7.	2		1	5 000
8.	2 1/4		1 1/4	6 000
9.	2 1/2		1 1/4	greater than 6 000
10.	2 3/4		1 1/2	greater than 6 000
11.	3		1 1/2	greater than 6 000

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 17.]

### **703.42 Operation of Aircraft in Icing Conditions**

When icing conditions are reported to exist or are forecast to be encountered along the route of flight, no person shall authorize a flight or its continuation or conduct a take-off or continue a flight in an aircraft, even if the pilot-in-command determines that the aircraft is adequately equipped to operate in icing conditions in accordance with paragraph 605.30(a), if, in the opinion of the pilot-in-command, the safety of the flight might be adversely affected.

[Amended 2009/05/28 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 10.]

### **703.43 to 703.51 Reserved**

[Amended 2009/05/28 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1996/10/10]

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## **Division IV - Aircraft Performance Operating Limitations**

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### **703.52 to 703.63 Reserved**

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## **Division V - Aircraft Equipment Requirements**

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### **703.64 Night and IMC Flight**

[SOR/2009-152, s. 11]

**(1)** No person shall operate a multi-engined aircraft with passengers on board in IMC unless the aircraft is equipped with

(a) a power failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source;

(b) an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators;

(c) two generators, each of which is driven by a separate engine or by a rotor drive train; and

(d) two independent sources of energy, at least one of which is an engine-driven pump or generator, and each of which is able to drive all gyroscopic instruments and is installed so

that the failure of one instrument or one source of energy will affect neither the energy supply to the remaining instruments nor the other source of energy.

**(2)** No person shall operate an aircraft at night unless the aircraft is equipped with

(a) at least one landing light; and

(b) if the aircraft is operated in icing conditions, a means of illumination or other means to detect the formation of ice.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 12.]

### **703.65 Airborne Thunderstorm Detection and Weather Radar Equipment**

No person shall operate an aircraft with passengers on board in IMC when current weather reports or forecasts indicate that thunderstorms may reasonably be expected along the route to be flown, unless the aircraft is equipped with thunderstorm detection equipment or weather radar equipment.

### **703.66 Additional Equipment for Single-pilot Operations**

No person shall operate an aircraft on a single-pilot operation in IMC unless the aircraft is equipped with

(a) an auto-pilot that is capable of operating the aircraft controls to maintain flight and manoeuvre the aircraft about the lateral and longitudinal axes;

(b) a headset with a boom microphone or equivalent and a transmit button on the control column; and

(c) a chart holder that is placed in an easily readable position and a means of illumination for the chart holder.

### **703.67 Protective Breathing Equipment**

**(1)** No air operator shall operate a pressurized aircraft unless protective breathing equipment with a 15-minute supply of breathing gas at a pressure-altitude of 8,000 feet is readily available at each flight crew member position.

**(2)** The protective breathing equipment referred to in subsection (1) may be used to meet the crew member oxygen requirements specified in Section 605.31.

### **703.68 First Aid Oxygen**

No air operator shall operate an aircraft with passengers on board above FL250 unless the aircraft is equipped with oxygen dispensing units and an undiluted supply of first aid oxygen sufficient to provide at least one passenger with oxygen for at least one hour or the entire duration of the flight at a cabin pressure-altitude above 8,000 feet, after an emergency descent following cabin depressurization, whichever period is longer.

### **703.69 Shoulder Harnesses**

No person shall operate an aircraft unless the pilot seat and any seat beside the pilot seat are equipped with a safety belt that includes a shoulder harness.

### **703.70 ACAS**

**(1)** Subject to subsection (3), no air operator shall operate an aeroplane having an MCTOW greater than 5 700 kg (12,566 pounds) in RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119b or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(2)** Subject to subsection (3), no air operator shall operate an aeroplane having an MCTOW greater than 5 700 kg (12,566 pounds) in airspace outside RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C118 or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; or

(b) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides and is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(3)** The air operator may operate the aeroplane without its being equipped with an operative ACAS if

(a) where a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the date of failure of the ACAS; or

(b) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the ACAS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(4)** This Section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until two years after that day.

[Amended 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 1996/10/10]

[SOR/2007-133, s. 7; SOR/2009-280, ss. 37, 39 to 42.]

### **703.71 TAWS**

**(1)** Subject to subsection (2), no air operator shall operate an aeroplane that has a seating configuration, excluding pilot seats, of six or more, unless the aeroplane is equipped with an operative TAWS that

(a) meets the requirements for Class A or Class B equipment set out in CAN-TSO-C151a or a more recent version of it;

(b) meets the altitude accuracy requirements set out in Section 551.102 of Chapter 551 of the *Airworthiness Manual*; and

(c) has a terrain and airport database compatible with the area of operation.

**(2)** The air operator may operate the aeroplane without its being equipped with an operative TAWS if

(a) the aeroplane is operated in day VFR only;

(b) in the event that a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the day on which the failure of the TAWS occurs; or

(c) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the TAWS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(3)** This section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until the day that is two years after that day.

[Amended 2020/12/09 - Previous Version Dated 2012/07/04][Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 11; SOR/2020-253, s. 11.]

### **703.72 to 703.81 Reserved**

[Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 1996/10/10]

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## **Division VI - Emergency Equipment**

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### **703.82 Inspection Requirements**

No air operator shall operate an aircraft unless the emergency equipment carried on board under Division II of Subpart 2 of Part VI and this Division is inspected at the intervals recommended by the equipment manufacturer.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 12.]

### **703.83 Flotation Devices**

**(1)** Subject to subsection (4), the air operator of a seaplane shall have, in its company operations manual, procedures to ensure that each crew member and passenger wears an inflatable life preserver, an inflatable individual flotation device or an inflatable personal flotation device when the seaplane is operated on or above water.

**(2)** Subject to subsection (4), the pilot-in-command of a seaplane shall give an instruction to each crew member and passenger to wear an inflatable life preserver, an inflatable individual flotation device or an inflatable personal flotation device when the seaplane is operated on or above water.

**(3)** For the purposes of this section, a person is wearing an inflatable life preserver, an inflatable individual flotation device or an inflatable personal flotation device if it

(a) is in a pouch that is attached to the person's waist;

(b) has been placed over the person's head and is secured at his or her waist; or

(c) is attached to the person in accordance with the manufacturer's instructions.

**(4)** This section does not apply in respect of a person who is carried on a stretcher or in an incubator or other similar device.

[Amended 2021/06/06 - Previous Version Dated 1996/10/10]

[SOR/2019-49, s. 4.]

### **703.84 to 703.85 Reserved**

[Amended 2021/06/06 - Previous Version Dated 1996/10/10]

[SOR/2019-49, s. 4.]

### **703.85.1 First Aid Kits**

No person shall conduct a take-off in an aircraft operated by an air operator unless the first aid kit carried on board in accordance with paragraph 602.60(1)(h) contains the supplies and equipment set out in the *Aviation Occupational Health and Safety Regulations*.

[Amended 2020/12/09 - No Previous Version]

[SOR/2020-253, s. 13.]

### **703.85.2 Survival Equipment**

**(1)** No air operator shall operate an aircraft, other than an aircraft referred to in subsection 602.61(2), unless a survival manual is carried on board that contains information about how to use the survival equipment that is carried on board to meet the requirements of subsection 602.61(1).

**(2)** No air operator shall operate an aircraft on board of which life rafts are required to be carried in accordance with Section 602.63 unless the survival kit referred to in paragraph 602.63(6)(c) contains

- (a) a life raft repair kit;
- (b) a bailing bucket and a sponge;
- (c) a whistle;
- (d) a waterproof flashlight;
- (e) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person;
- (f) a waterproof survival manual that contains information about how to use the survival

equipment;

(g) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and motion sickness pills; and

(h) a pyrotechnic signalling device, or an aviation visual distress signal that has a marking applied by the manufacturer indicating that the signal meets the requirements of CAN-TSO-C168, a signalling mirror and a dye marker for visually signalling distress.

**(3)** Despite subsection (2), if there is insufficient space in the attached survival kit, a supplemental survival kit shall be stowed adjacent to each required life raft and contain

(a) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person; and

(b) motion sickness pills.

[Amended 2020/12/09 - No Previous Version]

[SOR/2020-253, s. 13.]

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## **Division VII - Personnel Requirements**

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### **703.86 Minimum Crew**

No air operator shall operate an aircraft with passengers on board in IFR flight with fewer than two pilots unless the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **703.87 Designation of Pilot-in-command and Second-in-command**

**(1)** An air operator shall designate for each flight a pilot-in-command and, where the crew includes two pilots, a pilot-in-command and a second-in-command.

**(2)** An air operator shall record on the operational flight plan the name of the pilot-in-command and, if applicable, the second-in-command who were designated under subsection (1) and shall retain the plan for at least 180 days after the day on which the flight is completed.

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]



### **703.88 Flight Crew Member Qualifications**

**(1)** Subject to subsections (6) and (7), no air operator shall permit a person to act and no person shall act as a flight crew member in an aircraft unless the person

[Amended 2000/02/01 - Previous Version Dated 1996/10/10]

(a) holds the licence and ratings required by Part IV;

(b) within the previous 90 days, has completed at least three take-offs and three landings

(i) where a type rating for that aircraft is required, in an aircraft of that type, or in a flight simulator representing that type of aircraft that has been approved by the Minister under Subpart 6 of Part VI for take-off and landing qualifications, or

(ii) where a type rating for that aircraft is not required, in an aircraft of that category and class, or in a flight simulator representing that category and class of aircraft that has been approved by the Minister under Subpart 6 of Part VI for take-off and landing qualifications;

(c) has successfully completed a pilot proficiency check or competency check for that type of aircraft, the validity period of which has not expired, in accordance with the *Commercial Air Service Standards* as follows:

[Amended 2000/02/01- Previous Version Dated 1999/06/01][Amended 1999/06/01 - Previous Version Dated 1996/10/10]

(i) in the case of the pilot-in-command of a multi-engined aircraft or of a single-engined aeroplane that is operated in accordance with subsection 703.22(2), a pilot proficiency check for that type of aircraft,

(ii) in the case of the pilot-in-command of a single-engined helicopter, a pilot proficiency check on one of the types of single-engined helicopters operated by the air operator,

(iii) in the case of the second-in-command of a multi-engined aircraft, a pilot proficiency check or a competency check for that type of aircraft, and

(iv) in the case of the pilot-in-command of a single-engined aeroplane that is not operated in accordance with subsection 703.22(2), a competency check for that type of aircraft; and

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

(d) has fulfilled the requirements of the air operator's ground and flight training program.

**(2)** An air operator may group similar aeroplanes as a single type for purposes of the pilot proficiency check referred to in paragraph (1)(c) if the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(3)** No person shall act as the pilot-in-command of an aircraft with a person other than a flight crew member on board in night VFR flight unless the person acting as the pilot-in-command holds an instrument rating for that class of aircraft.

**(4)** No air operator shall permit a person to act and no person shall act as the pilot-in-command of an aircraft with passengers on board unless the person has acquired, prior to designation as pilot-in-command, the following flight time on that type and basic model of aircraft and in the pilot-in-command position:

(a) in the case of a single-engined aeroplane or a helicopter, five hours; or

(b) in the case of a multi-engined aeroplane, 15 hours.

**(5)** The flight time required by subsection (4) may be reduced by one hour for each take-off and landing completed, up to a maximum of 50 per cent.

**(6)** An air operator may permit a person to act and a person may act as a flight crew member in an aircraft if the person does not meet the requirements set out in paragraphs (1)(b) to (d), if the air operator

(a) is authorized to do so in its air operator certificate, and

(b) complies with the *Commercial Air Service Standards*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

**(7)** Subparagraph (1)(c)(iv) does not apply in the case of a chief pilot who acts as pilot-in-command of a single-engined aeroplane that is not operated in accordance with subsection 703.22(2).

[Amended 2000/02/01 - No Previous Version]

[SOR/99-158, s. 8; SOR/2000-45, s. 1.]

## **703.89 Qualifications of Operational Control Personnel**

(1) No air operator shall permit a person to act and no person shall act in an operational control position unless that person has fulfilled the training requirements set out in this Subpart and has demonstrated to the air operator the knowledge and abilities required by the *Commercial Air Service Standards*.

(2) A person who has not acted in an operational control position within the previous three months shall, prior to acting in an operational control position, satisfy the air operator that the person still has the knowledge and abilities referred to in subsection (1).

### **703.90 Check Authority**

(1) A pilot proficiency check shall be conducted by the Minister.

(2) Any other check required under this Subpart may be conducted by the Minister.

### **703.91 Validity Period**

(1) Subject to subsections (2) and (3), the validity period of a pilot proficiency check, a competency check and the annual training referred to in Section 703.98 expires on the first day of the thirteenth month following the month in which the pilot proficiency check, competency check or training was completed.

(2) Where a pilot proficiency check, a competency check or annual training is renewed within the last 90 days of its validity period, its validity period is extended by 12 months.

(3) The Minister may extend the validity period of a pilot proficiency check, a competency check or annual training by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.

(4) Where the validity period of a pilot proficiency check, a competency check or annual training has been expired for 24 months or more, the person shall requalify by meeting the training requirements specified in the *Commercial Air Service Standards*.

### **703.92 to 703.97 Reserved**

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## **Division VIII - Training**

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### **703.98 Training Program**

(1) Every air operator shall establish and maintain a ground and flight training program that is

(a) designed to ensure that each person who receives training acquires the competence to perform the person's assigned duties; and

(b) approved by the Minister in accordance with the *Commercial Air Service Standards*.

**(2)** An air operator's ground and flight training program shall include

(a) company indoctrination training;

(b) upgrading training;

(c) initial and annual training, including

(i) aircraft type training,

(ii) aircraft servicing and ground handling training,

(iii) emergency procedures training,

(iv) training for operational control personnel, and

(v) aircraft surface contamination training for pilots and other operations personnel; and

(d) any other training required to ensure a safe operation under this Subpart.

**(3)** An air operator shall

(a) include a detailed syllabus of its ground and flight training program in its *Company Operations Manual*;

(b) ensure that qualified personnel are provided for its ground and flight training program, in accordance with the *Commercial Air Service Standards*; and

(c) establish and maintain a safety awareness program concerning the adverse effects of aircraft surface contamination and provide the program to all flight operations personnel who are not required to receive the training described in subparagraph (2)(c)(v).

**(4)** An air operator shall have a fatigue management training program for its flight crew members that contains

(a) personal fatigue management strategies relating to

(i) sleep hygiene,

- (ii) lifestyle, exercise and diet, and
- (iii) the consumption of alcohol and drugs;
- (b) the impact of fatigue on aviation safety;
- (c) sleep requirements and the science relating to fatigue;
- (d) the causes and consequences of fatigue;
- (e) how to recognize fatigue in themselves and in others;
- (f) sleep disorders, their impact on aviation safety and treatment options; and
- (g) human and organizational factors that may cause fatigue, including
  - (i) sleep quality and duration,
  - (ii) the impact of shift work and overtime,
  - (iii) the circadian rhythm, and
  - (iv) the effects of changes of time zones.

[Effective 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 15.]

### **703.99 Training and Qualification Records**

**(1)** Every air operator shall, for each person who is required to receive training under this Subpart, establish and maintain a record of

- (a) the person's name and, where applicable, personnel licence number, type and ratings;
- (b) if applicable, the person's medical category and the expiry date of that category;
- (c) the dates on which the person, while in the air operator's employ, successfully completed any training, pilot proficiency check, competency check or examination required under this Subpart or obtained any qualification required under this Subpart;
- (d) information relating to any failure of the person, while in the air operator's employ, to successfully complete any training, pilot proficiency check, competency check or examination required under this Subpart or to obtain any qualification required under this Subpart; and

(e) the type of aircraft or flight training equipment used for any training, pilot proficiency check, competency check or qualification required under this Subpart.

(2) An air operator shall retain the records referred to in paragraphs (1)(c) and (d) and a record of each pilot proficiency check for at least three years.

(3) An air operator shall retain a copy of the most recent written examination completed by each pilot for each type of aircraft for which the pilot has a qualification.

### **703.100 to 703.103 Reserved**

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## **Division IX - Manuals**

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### **703.104 Requirements Relating to Company Operations Manual**

(1) Every air operator shall establish and maintain a *Company Operations Manual* that meets the requirements of Section 703.105.

(2) An air operator shall submit its *Company Operations Manual*, and any amendments to that manual, to the Minister.

(3) Where there is a change in any aspect of an air operator's operation or where the *Company Operations Manual* no longer meets the *Commercial Air Service Standards*, the air operator shall amend its *Company Operations Manual*.

(4) The Minister shall, where the *Commercial Air Service Standards* are met, approve those parts of a *Company Operations Manual*, and any amendments to those parts, that relate to the information required by Section 703.105.

### **703.105 Contents of Company Operations Manual**

(1) A *Company Operations Manual*, which may be issued in separate parts corresponding to specific aspects of an operation, shall include the instructions and information necessary to enable the personnel concerned to perform their duties safely and shall contain the information required by the *Commercial Air Service Standards*.

(2) A *Company Operations Manual* shall be such that

(a) all parts of the manual are consistent and compatible in form and content;

(b) the manual can be readily amended;

(c) the manual contains an amendment control page and a list of the pages that are in effect; and

(d) the manual has the date of the last amendment to each page specified on that page.

### **703.106 Distribution of Company Operations Manual**

**(1)** Subject to subsection (2), an air operator shall provide a copy of the appropriate parts of its *Company Operations Manual*, including any amendments to those parts, to each of its crew members and to its ground operations and maintenance personnel.

**(2)** An air operator may place a copy of the appropriate parts of its *Company Operations Manual* in each aircraft that it operates, instead of providing a copy to each crew member, if the air operator has established in its *Company Operations Manual* procedures for amending that manual.

**(3)** Every person who has been provided with a copy of the appropriate parts of a *Company Operations Manual* pursuant to subsection (1) shall keep it up to date with the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

### **703.107 Standard Operating Procedures**

**(1)** Every air operator shall, for each of its aircraft that is required to be operated by two or more pilots, establish and maintain standard operating procedures that enable the crew members to operate the aircraft within the limitations specified in the aircraft flight manual and that meet the *Commercial Air Service Standards*.

**(2)** An air operator that has established standard operating procedures for an aircraft shall ensure that a copy of the standard operating procedures is carried on board the aircraft.

### **703.108 and 703.109 Reserved**

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## **Subpart 4 - Commuter Operations**

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## Division I - General

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### 704.01 Application

This Subpart applies in respect of the operation by a Canadian air operator, in an air transport service or in aerial work involving sightseeing operations, of any of the following aircraft:

- (a) a multi-engined aeroplane that has a MCTOW of 8 618 kg (19,000 pounds) or less and a seating configuration, excluding pilot seats, of 10 to 19 inclusive;
- (b) a turbo-jet-powered aeroplane that has a maximum zero fuel weight of 22 680 kg (50,000 pounds) or less and for which a Canadian type certificate has been issued authorizing the transport of not more than 19 passengers;
- (b.1) a multi-engined helicopter with a seating configuration, excluding pilot seats, of 10 to 19 inclusive, unless it is certified for operation with one pilot and operated under VFR; and
- (c) any aircraft that is authorized by the Minister to be operated under this Subpart.

[Amended 2005/12/01 - Previous Version Dated 1996/10/10]

[SOR/2005-193, s. 2.]

### 704.02 Aircraft Operation

No air operator shall operate an aircraft under this Subpart unless the air operator complies with the conditions and operations specifications in an air operator certificate issued to that operator by the Minister pursuant to Section 704.07.

### 704.03 to 704.06 Reserved

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## Division II - Certification

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### 704.07 Issuance or Amendment of Air Operator Certificate

(1) Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue or amend an air operator certificate where the applicant demonstrates to the Minister the ability to

- (a) maintain an adequate organizational structure;



- (b) maintain an operational control system;
- (c) meet training program requirements;
- (d) comply with maintenance requirements;
- (e) meet the *Commercial Air Service Standards* for the operation; and
- (f) conduct the operation safely.

**(2)** For the purposes of subsection (1), an applicant shall have

- (a) a management organization capable of exercising operational control;
- (b) managerial personnel who have been approved by the Minister in accordance with the *Commercial Air Service Standards*, are employed on a full-time basis and perform the functions related to the following positions, namely,
  - (i) operations manager,
  - (ii) chief pilot, and
  - (iii) where the applicant does not hold an approved maintenance organization (AMO) certificate, maintenance manager;
- (c) operational support services and equipment that meet the *Commercial Air Service Standards*;
- (d) after January 1, 1997, where a master minimum equipment list has been established for a type of aircraft, a minimum equipment list for each aircraft of that type, approved by the Minister in accordance with the procedures specified in the *MMEL/MEL Policy and Procedures Manual*;
- (e) aircraft that are properly equipped for and flight crew members who are qualified for the area of operation and the type of operation;
- (f) an operational control system that meets the requirements of Section 704.15;
- (g) a training program that meets the requirements of this Subpart;
- (h) legal custody and control of at least one aircraft of each category of aircraft that is to be operated;

(i) a *Company Operations Manual* that meets the requirements of Sections 704.120 and 704.121; and

(j) a maintenance control system approved pursuant to Subpart 6.

### **704.08 Contents of Air Operator Certificate**

An air operator certificate shall contain

(a) the legal name, trade name and address of the air operator;

(b) the number of the air operator certificate;

(c) the effective date of certification;

(d) the date of issue of the certificate;

(e) the general conditions identified in Section 704.09;

(f) specific conditions with respect to

(i) the areas of operation authorized,

(ii) the types of service authorized,

(iii) the types of aircraft authorized and, if applicable, their registration, and any operational restrictions, and

(iv) the main base, scheduled points and, if applicable, sub-bases; and

(g) where the air operator complies with the *Commercial Air Service Standards*, operations specifications with respect to

(i) aircraft performance, equipment and emergency equipment requirements,

(ii) instrument approach procedures,

(iii) enroute aerodrome authorizations and limitations,

(iv) special weather minima authorizations,

(v) authorizations concerning flight crew member qualifications and flight crew member complement,

- (vi) navigation system authorizations,
- (vii) pilot training and pilot proficiency checks,
- (viii) special helicopter procedures,
- (ix) the air operator maintenance control system approved pursuant to Subpart 6,
- (x) leasing arrangements, and
- (xi) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 13.]

#### **704.09 General Conditions of Air Operator Certificate**

An air operator certificate shall contain the following general conditions:

- (a) the air operator shall conduct flight operations in accordance with its *Company Operations Manual*;
- (b) the air operator shall maintain an adequate organizational structure;
- (c) the air operator shall employ managerial personnel who meet the *Commercial Air Service Standards*;
- (d) the air operator shall conduct training in accordance with its training program approved pursuant to this Subpart;
- (e) the air operator shall maintain aircraft that are properly equipped for the area of operation and the type of operation;
- (f) the air operator shall employ crew members who are qualified for the area of operation and the type of operation;
- (g) the air operator shall maintain its aircraft in accordance with the requirements of Subpart 6;
- (h) the air operator shall maintain operational support services and equipment that meet the *Commercial Air Service Standards*;

(i) the air operator shall notify the Minister within 10 working days after

(i) changing its legal name, its trade name, its main base, a sub-base, a scheduled point or its managerial personnel, or

(ii) ceasing to operate a type of aircraft authorized under this Subpart; and

(j) the air operator shall conduct a safe operation.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 14.]

### **704.10 and 704.11 Reserved**

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## **Division III - Flight Operations**

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### **704.12 Operating Instructions**

**(1)** An air operator shall ensure that all operations personnel are properly instructed about their duties and about the relationship of their duties to the operation as a whole.

**(2)** The operations personnel of an air operator shall follow the procedures specified in the air operator's *Company Operations Manual* in the performance of their duties.

### **704.13 General Operational Information**

Every air operator shall establish a system for the timely dissemination of general operational information that includes a means for each crew member to acknowledge receipt of such information.

### **704.14 Scheduled Air Service Requirements**

**(1)** Subject to subsection (2), every air operator that operates a scheduled air service for the purpose of transporting persons shall operate the service between airports or heliports or between an airport or heliport and a military aerodrome.

**(2)** An air operator may operate a scheduled air service for the purpose of transporting persons between an airport and an aerodrome other than a military aerodrome or between two aerodromes if the air operator is authorized to do so in its air operator certificate.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 15.]

### **704.15 Operational Control System**

No air operator shall operate an aircraft unless the air operator has an operational control system that meets the *Commercial Air Service Standards* and is under the control of its operations manager.

### **704.16 Flight Authorization**

No person shall commence a flight unless the flight has been authorized in accordance with the procedures specified in the air operator's *Company Operations Manual*.

### **704.17 Operational Flight Plan**

**(1)** No air operator shall permit a person to commence a flight unless an operational flight plan that meets the *Commercial Air Service Standards* has been prepared in accordance with the procedures specified in the air operator's *Company Operations Manual*.

**(2)** The pilot-in-command of an aircraft shall ensure that one copy of the operational flight plan is left at a point of departure, in accordance with the procedures specified in the *Company Operations Manual*, and that another copy is carried on board the aircraft until the aircraft reaches the final destination of the flight.

**(3)** An air operator shall retain a copy of the operational flight plan, including any amendments to that plan, for the period specified in the *Company Operations Manual*.

### **704.18 Maintenance of Aircraft**

No air operator shall permit a person to conduct a take-off in an aircraft that has not been maintained in accordance with the air operator's maintenance control system.

### **704.19 Checklist**

**(1)** Every air operator shall establish the checklist referred to in paragraph 602.60(1)(a) for each aircraft type that it operates and shall make the appropriate parts of the checklist readily available to the crew members.

**(2)** Every crew member shall follow the checklist referred to in subsection (1) in the performance of the crew member's assigned duties.

### **704.20 Fuel Requirements**

No air operator shall authorize a flight and no person shall commence a flight unless the aircraft

carries sufficient fuel to meet the fuel requirements of Part VI and to allow the aircraft

- (a) in the case of an aeroplane operated in IFR flight,
  - (i) to descend at any point along the route to the lower of
    - (A) the single-engined service ceiling, or
    - (B) 10,000 feet,
  - (ii) to cruise at the altitude referred to in subparagraph (i) to a suitable aerodrome,
  - (iii) to conduct an approach and a missed approach, and
  - (iv) to hold for 30 minutes at an altitude of 1,500 feet above the elevation of the aerodrome selected in accordance with subparagraph (ii); and
- (b) in the case of a helicopter operated in night VFR flight, to fly to the destination aerodrome and then to fly for 30 minutes at normal cruising speed.

#### **704.21 Admission to Flight Deck**

- (1)** Where a Department of Transport air carrier inspector presents an official identity card to the pilot-in-command of an aircraft, the pilot-in-command shall give the inspector free and uninterrupted access to the flight deck of the aircraft.
- (2)** An air operator and the pilot-in-command shall make available for the use of the air carrier inspector the seat most suitable to perform the inspector's duties, as determined by the inspector.

#### **704.22 Simulation of Emergency Situations**

No person shall, if passengers or cargo are on board an aircraft, simulate emergency situations that could affect the flight characteristics of the aircraft.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 17.]

#### **704.23 VFR Flight Obstacle Clearance Requirements**

Except when conducting a take-off or landing, no person shall operate an aircraft in VFR flight

- (a) at night, at less than 1,000 feet above the highest obstacle located within a horizontal

distance of three miles from the route to be flown; or

(b) where the aircraft is an aeroplane, during the day, at less than 500 feet AGL or at a horizontal distance of less than 500 feet from any obstacle.

#### **704.24 VFR Flight Minimum Flight Visibility - Uncontrolled Airspace**

Where a helicopter is operated in day VFR flight within uncontrolled airspace at less than 1,000 feet AGL, a person may, for the purposes of subparagraph 602.115(d)(i), operate the helicopter when flight visibility is less than one mile if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

#### **704.25 VFR Flight Weather Conditions**

No person shall commence a VFR flight unless current weather reports and forecasts, if obtainable, indicate that the weather conditions along the route to be flown and at the destination aerodrome will be such that the flight can be conducted in compliance with VFR.

#### **704.26 Take-off Minima**

**(1)** Subject to subsection (2), no person shall conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used unless

(a) the take-off is authorized in an air operator certificate; and

(b) the person complies with the *Commercial Air Service Standards*.

**(2)** A person may conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used, if the weather conditions are at or above the landing minima for another suitable runway at that aerodrome, taking into account the aircraft performance operating limitations specified in Division IV.

**(3)** For the purposes of Section 602.126, a person may conduct a take-off in an aircraft in IMC where weather conditions are below the take-off minima specified in the instrument approach procedure, if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(4)** For the purposes of this Section, the landing minima are the decision height or the minimum descent altitude and the visibility published for an approach.

#### **704.27 No Alternate Aerodrome - IFR Flight**

For the purposes of Section 602.122, a person may conduct an IFR flight where an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary, if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

#### **704.28 VFR OTT Flight**

No person shall operate an aircraft in VFR OTT flight unless

(a) Repealed.

(b) the person is authorized to do so in an air operator certificate; and

(c) the person complies with the *Commercial Air Service Standards*.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-78, s. 1.]

#### **704.29 Routes in Uncontrolled Airspace**

No person shall, in uncontrolled airspace, conduct an IFR flight or a night VFR flight on a route other than an air route unless the air operator establishes the route in accordance with the *Commercial Air Service Standards*.

#### **704.30 Reserved**

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

#### **704.31 Minimum Altitudes and Distances**

For the purposes of Sections 602.13 and 602.15, a person may conduct a take-off, approach or landing in a helicopter within a built-up area of a city or town, or operate a helicopter at altitudes and distances less than those specified in subsection 602.14(2), if the person

(a) has an authorization from the Minister or is authorized to do so in an air operator



certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **704.32 Weight and Balance Control**

**(1)** No person shall operate an aircraft unless, during every phase of the flight, the load restrictions, weight and centre of gravity of the aircraft conform to the limitations specified in the aircraft flight manual.

**(2)** An air operator shall have a weight and balance system that meets the *Commercial Air Service Standards*.

**(3)** An air operator shall specify in its *Company Operations Manual* its weight and balance system and instructions to employees regarding the preparation and accuracy of weight and balance forms.

### **704.33 Passenger and Cabin Safety Procedures**

[SOR/2019-119, s. 40.]

**(1)** An air operator shall establish procedures to ensure that

(a) passengers move to and from the aircraft and embark and disembark safely, in accordance with procedures that meet the requirements of Section 724.33 of the *Commercial Air Service Standards* and that are specified in the air operator's *Company Operations Manual*;

(b) all passengers are seated and secured in accordance with subsection 605.26(1);

(c) subject to subsection (2), the back of each seat is in the upright position and all chair tables are stowed during movement on the surface, take-off and landing and at such other times as the pilot-in-command considers necessary for the safety of the persons on board the aircraft;

(d) seats located at emergency exits are not occupied by passengers whose presence in those seats could adversely affect the safety of passengers or crew members during an emergency evacuation; and

(e) the flight crew can exercise supervisory control over passengers by visual and aural means.

**(2)** An air operator may, for the transportation of any passenger who has been certified by a

physician as unable to sit upright, allow the back of the seat occupied by such a passenger to remain in the reclining position during movement on the surface, take-off and landing if

(a) the passenger is seated in a location that will not restrict the evacuation of other passengers from the aircraft;

(b) the passenger is not seated in a row that is next to or immediately in front of an emergency exit; and

(c) the seat immediately behind the passenger's seat is vacant.

**(3)** No air operator shall assign a person to perform duties on board an aircraft unless that person has received the training referred to in paragraph 704.115(2)(d).

**(4)** An air operator shall not permit an aircraft with passengers on board to be fuelled unless the fuelling is carried out in accordance with procedures that meet the requirements set out in

(a) subsection 724.33(2) of Standard 724 - Commuter Operations - Aeroplanes of the *Commercial Air Service Standards*, in the case of an aeroplane; or

(b) subsection 724.33(2) of Standard 724 - Commuter Operations - Helicopters of the *Commercial Air Service Standards*, in the case of a helicopter.

**(5)** Repealed.

[Effective 2019/08/08 - Previous Version Dated 2019/06/14][Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 41; SOR/2019-295, s. 14; SOR/2019-296, s. 9.]

### **704.34 Briefing of Passengers**

**(1)** The pilot-in-command shall ensure that passengers are given a safety briefing in accordance with the *Commercial Air Service Standards*.

**(2)** If the safety briefing referred to in subsection (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations, seat orientation or responsibility for another person on board the aircraft, the pilot in command shall ensure that the passenger is given an individual safety briefing that

(a) is appropriate to the passenger's needs; and

(b) meets the *Commercial Air Service Standards*.

**(3)** The pilot-in-command shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the

*Commercial Air Service Standards.*

**(4)** The pilot-in-command shall ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 15.]

### **704.35 Safety Features Card**

An air operator shall provide each passenger, at the passenger's seat, with a safety features card containing, in pictographic form, the information required by the *Commercial Air Service Standards*, and any wording shall be in English and French.

### **704.36 Instrument Approach Procedures**

**(1)** No person shall conduct a CAT II or CAT III precision approach unless

(a) the air operator is authorized to do so in its air operator certificate; and

(b) the approach is conducted in accordance with the *Manual of All Weather Operations* (Categories II and III).

**(2)** No person shall terminate an instrument approach with a landing unless, immediately prior to landing, the pilot-in-command ascertains, by means of radiocommunication or visual inspection,

(a) the condition of the runway or surface of intended landing; and

(b) the wind direction and speed.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 19.]

### **704.37 Approach Bans - Non-precision, APV, and CAT I Precision**

**(1)** For the purposes of subsections (2) to (4), the visibility with respect to an aeroplane is less than the minimum visibility required for a non-precision approach, an APV or a CAT I precision approach if, in respect of the advisory visibility specified in the *Canada Air Pilot* and set out in column I of an item in the table to this Section,

(a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(c) where no RVR for the runway of intended approach is available, the runway visibility is less than the visibility set out in column II of the item for the approach conducted; or

(d) where the aerodrome is located south of the 60<sup>th</sup> parallel of north latitude and no RVR or runway visibility for the runway of intended approach is available, the ground visibility at the aerodrome where the runway is located is less than the visibility set out in column II of the item for the approach conducted.

**(2) No person shall continue a non-precision approach or an APV unless**

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane is equipped with

(i) if the flight crew does not use pilot-monitored-approach procedures, an autopilot capable of conducting a non-precision approach or an APV to 400 feet AGL or lower, or

(ii) a HUD capable of conducting a non-precision approach or an APV to 400 feet AGL or lower;

(c) the instrument approach procedure is conducted to straight-in minima; and

(d) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(3) No person shall continue an SCDA non-precision approach unless**

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane is equipped with

(i) if the flight crew does not use pilot-monitored-approach procedures, an autopilot capable of conducting a non-precision approach to 400 feet AGL or lower, or

(ii) a HUD capable of conducting a non-precision approach to 400 feet AGL or lower;

(c) the instrument approach procedure is conducted to straight-in minima with a final approach course that meets the requirements of Section 724.37 of Standard 724 - Commuter Operations - Aeroplanes of the *Commercial Air Service Standards*;

(d) the final approach segment is conducted using a stabilized descent with a planned constant descent angle specified in Section 724.37 of Standard 724 - Commuter Operations - Aeroplanes of the *Commercial Air Service Standards*; and

(e) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(4)** No person shall continue a CAT I precision approach to a runway with centreline lighting or a CAT I precision approach in an aeroplane equipped with a HUD unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) in the case of an aeroplane not equipped with a HUD,

(i) if the flight crew does not use pilot-monitored-approach procedures, the pilot-in-command and the second-in-command are qualified to conduct a CAT II precision approach,

(ii) the aeroplane is equipped with

(A) a flight director and autopilot capable of conducting a coupled precision approach to 200 feet AGL or lower, or

(B) if the flight crew uses pilot-monitored-approach procedures, a flight director capable of conducting a precision approach to 200 feet AGL or lower, and

(iii) the runway is equipped with serviceable high-intensity approach lighting, high-intensity runway centreline lighting and high-intensity runway edge lighting;

(c) in the case of an aeroplane equipped with a HUD capable of conducting a precision approach to 200 feet AGL or lower,

(i) the pilot-in-command and the second-in-command are qualified to conduct a CAT II precision approach,

(ii) the aeroplane is equipped with a flight director and autopilot capable of conducting a coupled precision approach to 200 feet AGL or lower, and

(iii) the runway is equipped with serviceable high-intensity approach lighting and high-intensity runway edge lighting; and

(d) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**Table - Approach Bans - Visibility**

	Column I		Column II	
	<i>Canada Air Pilot Advisory Visibility</i>		Visibility Report	
Item	Statute Miles	RVR in Feet	Statute Miles	Feet
1.	1/2	2 600	1/4	1 200
2.	3/4	4 000	3/8	2 000
3.	1	5 000	1/2	2 600

4.	1 1/4		5/8	3 400
5.	1 1/2		3/4	4 000
6.	1 3/4		1	5 000
7.	2		1	5 000
8.	2 1/4		1 1/4	6 000
9.	2 1/2		1 1/4	greater than 6 000
10.	2 3/4		1 1/2	greater than 6 000
11.	3		1 1/2	greater than 6 000

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 19.]

### **704.38 to 704.42 Reserved**

[Effective 2019/06/09 - Previous Version Dated 2006/12/01][Amended 2006/12/01 - Previous Version Dated 1996/10/10]

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## **Division IV - Aeroplane Performance Operating Limitations**

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[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

### **704.43 Non-application**

This Division does not apply to a seaplane when it takes off from or lands on water.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 4.]

### **704.44 Calculations**

Any determination made for the purposes of Sections 704.45 to 704.51 shall be based on the approved performance information specified in the aircraft flight manual.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 4.]

### 704.45 Type Certification Performance Requirements

(1) No air operator shall authorize a flight unless the aeroplane has been certified on the basis of the type certification performance requirements set out in

(a) Subchapter B Flight - General of Chapter 523 - Normal, Utility, Aerobatic and Commuter Category Aeroplanes or Subchapter B Flight - General of Chapter 525 - Transport Category Aeroplanes of the *Airworthiness Manual*;

(b) Part 23 - at amendment 23-34 and later - or Part 25, Title 14 of the *Code of Federal Regulations* of the United States; or

(c) *Special Federal Aviation Regulation 41C*, published by the Government of the United States, which includes the performance requirements set out in Annex 8 to the Convention.

(2) Despite subsection (1), an air operator may authorize the take-off of an aeroplane if the aeroplane has fewer than 10 passengers on board or is operated in a non-scheduled air service.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 4.]

### 704.46 Take-off and Landing Weight Limitations

(1) Subject to Section 704.51, no air operator shall authorize a flight - and no person shall conduct a take-off - in an aeroplane unless the following conditions are met:

(a) the weight of the aeroplane does not exceed the maximum take-off weight specified in the aircraft flight manual for the pressure-altitude and the ambient temperature at the departure aerodrome; and

(b) after allowing for planned fuel consumption during the flight to the destination aerodrome or alternate aerodrome, the weight of the aeroplane does not exceed the maximum landing weight specified in the aircraft flight manual for the pressure-altitude and the ambient temperature at the destination aerodrome or alternate aerodrome.

(2) In the determination of the maximum take-off weight referred to in paragraph (1)(a) for a propeller-driven aeroplane having an MCTOW of not more than 5 700 kg (12,566 pounds),

(a) the required accelerate-stop distance specified in the aircraft flight manual shall not exceed the accelerate-stop distance available (ASDA) unless

(i) the maximum take-off weight is not limited by the accelerate-stop distance



requirements set out in the aircraft flight manual, and

(ii) the aeroplane has fewer than 10 passengers on board or is operated in a non-scheduled air service; and

(b) the all-engines-operating take-off distance specified in the aircraft flight manual shall not exceed the take-off distance available (TODA).

**(3)** In the determination of the maximum take-off weight referred to in paragraph (1)(a) for a turbo-jet-powered aeroplane or a large aeroplane that is propeller-driven,

(a) the required accelerate-stop distance specified in the aircraft flight manual shall not exceed the accelerate-stop distance available (ASDA) unless, in the case of a large aeroplane that is propeller-driven,

(i) the maximum take-off weight is not limited by the required accelerate-stop distance requirements set out in the aircraft flight manual, and

(ii) the aeroplane has fewer than 10 passengers on board;

(b) the required take-off run specified in the aircraft flight manual shall not exceed the take-off run available (TORA); and

(c) the required take-off distance specified in the aircraft flight manual shall not exceed the take-off distance available (TODA) unless, in the case of a large aeroplane that is propeller-driven,

(i) the maximum take-off weight is not limited by the take-off distance requirements set out in the aircraft flight manual, and

(ii) the aeroplane has fewer than 10 passengers on board.

**(4)** In the determination of the maximum take-off weights referred to in subsections (2) and (3), the following factors shall be taken into account:

(a) the pressure-altitude at the aerodrome;

(b) the ambient temperature at the aerodrome;

(c) the runway slope in the direction of take-off; and

(d) a wind component that is not more than 50% of the reported headwind or not less than 150% of the reported tailwind.

**(5)** In the case of a take-off or landing on a gravel runway, the maximum weights referred to in paragraphs (1)(a) and (b) shall be determined in accordance with the gravel runway information specified in the aircraft flight manual.

**(6)** In the absence of the information referred to in subsection (5) for a propeller-driven aeroplane, the maximum weights referred to in paragraphs (1)(a) and (b) shall be determined on the basis of the information specified in the aircraft flight manual for a dry, paved hard-surface runway that does not exceed 1 524 m (5,000 feet) in length, except that

(a) no credit shall be allowed for reverse thrust;

(b) in determining the maximum take-off weight, no credit shall be allowed for any clearway; and

(c) the corresponding length of dry, paved hard-surface runway used to determine the take-off distance required, the accelerate-stop distance required and the landing distance required shall be obtained by dividing the length of the gravel runway by a factor of

(i) 1.10, in the case of an aeroplane with an MCTOW of not more than 5 700 kg (12,566 pounds), or

(ii) 1.15, in the case of a large aeroplane.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 4.]

### **704.47 Net Take-off Flight Path**

**(1)** Subject to subsection (3), no air operator shall authorize a flight - and no person shall conduct a take-off - in a turbo-jet-powered aeroplane, a large aeroplane that is propeller-driven or a propeller-driven aeroplane that has a passenger seating configuration of 10 or more, if the weight of the aeroplane exceeds the weight specified in the aircraft flight manual as allowing a net take-off flight path that clears all obstacles by at least 10.7 m (35 feet) vertically or at least 60 m (200 feet) horizontally within the aerodrome boundaries, and by at least 91.5 m (300 feet) horizontally outside those boundaries.

**(2)** In the determination of the maximum weight, minimum distances and flight path referred to in subsection (1),

(a) corrections shall be made for

(i) the runway to be used,

- (ii) the runway slope in the direction of take-off,
- (iii) the pressure-altitude at the aerodrome,
- (iv) the ambient temperature at the aerodrome, and
- (v) the wind component at the time of take-off, that is not more than 50% of the reported headwind or not less than 150% of the reported tailwind;

(b) calculations shall be based on the pilot

- (i) not banking the aeroplane before reaching an altitude of 15 m (50 feet),
- (ii) subject to paragraph (c), using no more than 15 degrees of bank at altitudes between 15 m (50 feet) and 122 m (400 feet), and
- (iii) using no more than 25 degrees of bank at altitudes above 122 m (400 feet), aeroplane speed and configuration permitting; and

(c) a bank angle greater than the angle referred to in subparagraph (b)(ii) may be used if it is authorized in an air operator certificate.

**(3)** An air operator may authorize a flight - and a pilot-in-command may conduct a take-off - in an aeroplane referred to in subsection (1) that does not meet the requirements of that subsection if

(a) in the case of a large aeroplane that is propeller-driven and for which visual obstacle clearance procedures are used during take-off and climb,

- (i) the aeroplane has fewer than 10 passengers on board,
- (ii) the air operator has conducted an obstacle assessment to identify fixed and transient obstacles along the take-off flight path,
- (iii) the air operator has set out, in the company operations manual, a one-engine-inoperative departure plan that allows the pilot-in-command to rely on visual guidance to manoeuvre the aeroplane in a manner that will allow the net take-off flight path to be clear of all obstacles by at least 10.7 m (35 feet) vertically or at least 60 m (200 feet) horizontally within the aerodrome boundaries, and by at least 91.5 m (300 feet) horizontally outside those boundaries, until the aeroplane has reached the end of the take-off flight path,

(iv) the one-engine-inoperative departure plan includes

(A) an obstacle assessment to identify fixed and transient obstacles along the take-off flight path,

(B) the aeroplane's approved performance information specified in the aircraft flight manual, and

(C) the visual reference points to be used along the take-off flight path, and

(v) existing meteorological conditions allow the clearance, through visual guidance, of all obstacles and terrain by the margins specified in subparagraph (iii); or

(b) in the case of an aeroplane operated in a non-scheduled air service,

(i) the take-off weight of the aeroplane is not limited by any take-off weight limitations specified in the aircraft flight manual,

(ii) the aerodrome elevation is at or below 1 220 m (4,000 feet) ASL, and

(iii) the ceiling and visibility are at or above the landing and approach minima for the departure aerodrome.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 4; SOR/2021-152, s. 10(F).]

#### **704.48 Enroute Limitations with One Engine Inoperative**

No person shall operate a multi-engined aircraft with passengers on board if the weight of the aircraft is greater than the weight that will allow the aircraft to maintain, with any engine inoperative, the following altitudes:

(a) when operating in IMC or in IFR flight on airways or air routes, the MOCA of the route to be flown;

(b) when operating in IMC or in night VFR flight on routes established by an air operator, the MOCA of the route to be flown; and

(c) when operating in VFR flight, at least 500 feet above the surface.

#### **704.49**

**(1)** Subject to subsection (3), no person shall dispatch or conduct a take-off in an aeroplane

unless

(a) in the case of a turbo-jet-powered aeroplane, the weight of the aeroplane on landing at the destination aerodrome and at the alternate aerodrome will allow a full-stop landing within 60% of the landing distance available (LDA);

(b) in the case of a large aeroplane that is propeller-driven, the weight of the aeroplane on landing at the destination aerodrome and at the alternate aerodrome will allow a full-stop landing within 70% of the landing distance available (LDA); or

(c) in the case of a large aeroplane that is propeller-driven and equipped with reverse thrust, the weight of the aeroplane on landing at the destination aerodrome and at the alternate aerodrome will allow a full-stop landing within 80% of the landing distance available (LDA) if

(i) the approach speed does not exceed an indicated airspeed of 100 knots, taking into account the estimated weight of the aeroplane, the flap setting and the ambient conditions expected on arrival,

(ii) the reverse thrust is operative and the runway surface conditions permit the use of full-rated reverse thrust,

(iii) the aeroplane is operated on a paved, hard-surface runway,

(iv) the runway surface is forecast to be bare and dry at the estimated time of arrival,

(v) each flight crew member has completed specific training on short-field landing techniques on that type of aeroplane within the 12 months preceding the flight, and

(vi) the glide-path angle specified in the *Canada Air Pilot* or the *Restricted Canada Air Pilot* is not greater than 3 degrees and the runway threshold crossing height is not greater than 15 m (50 feet).

**(2)** In determining whether an aeroplane may be dispatched or a take-off may be conducted under subsection (1), the following shall be taken into account:

(a) the pressure-altitude at the destination aerodrome and at the alternate aerodrome;

(b) a wind component that is not more than 50% of the reported headwind or not less than 150% of the reported tailwind at the destination aerodrome and at the alternate aerodrome; and

(c) the suitability of the runway with respect to the wind speed and direction, the ground handling characteristics of the aeroplane, the landing aids and the terrain.

**(3)** If conditions at the destination aerodrome at the time of take-off do not permit compliance with the requirement set out in paragraph (2)(c), an aeroplane may be dispatched and a take-off may be conducted if conditions at the alternate aerodrome designated in the operational flight plan permit, at the time of take-off, compliance with the requirements set out in paragraph (1)(a) or (b) and subsection (2).

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 5.]

### **704.50 Dispatch Limitations: Wet Runway - Turbo-jet-powered Aeroplanes**

**(1)** Subject to subsection (2), when weather reports or forecasts indicate that the runway may be wet at the estimated time of arrival, no person shall dispatch or conduct a take-off in a turbo-jet-powered aeroplane unless the landing distance available (LDA) at the destination airport is at least 115 per cent of the landing distance required pursuant to paragraph 704.49(1)(a).

**(2)** The landing distance available on a wet runway may be shorter than that required by subsection (1), but not shorter than that required by Section 704.49, if the aircraft flight manual includes specific information about landing distances on wet runways.

### **704.51 Take-off and Landing on Gravel Runways**

**(1)** No air operator shall authorize a flight from or to a gravel runway in an aeroplane unless the company operations manual sets out procedures for take-offs and landings on gravel runways.

**(2)** No person shall conduct a take-off or landing in an aeroplane on a gravel runway unless the person has

(a) received ground training that includes the characteristics of take-off and landing surfaces, the conduct of obstacle assessments, and the air operator's procedures for take-offs and landings on gravel runways;

(b) conducted, within the previous two years, at least one take-off and one landing on a gravel runway in an aeroplane of the same type as the one to be operated; and

(c) been certified by the chief pilot as being competent to conduct take-offs and landings on gravel runways.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 6.]

### **704.52 Take-off and Landing on Unprepared Surfaces**

No person shall conduct a take-off or a landing on an unprepared surface in an aeroplane for which the aircraft flight manual does not set out any information relating to unprepared surface operations, unless

- (a) the aeroplane is propeller-driven;
- (b) the air operator has set out, in the company operations manual, procedures for take-offs and landings on unprepared surfaces, including
  - (i) procedures for obtaining the air operator's approval for unprepared surface operations, and
  - (ii) procedures for assessing unprepared surfaces and unfamiliar approach and departure paths; and
- (c) before acting as pilot-in-command during a take-off or a landing on an unprepared surface, the person has
  - (i) acquired at least 100 hours of flight time in an aeroplane of the same type as the one to be operated,
  - (ii) received ground and flight training that includes the characteristics of take-off and landing surfaces, the conduct of obstacle assessments and the interpretation of the applicable aeroplane performance information specified in the aircraft flight manual,
  - (iii) acquired at least 25 hours of line indoctrination training that includes unprepared surface operations, and
  - (iv) been certified by the chief pilot or his or her delegate as being competent to conduct take-offs and landings on unprepared surfaces.

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

[SOR/2019-135, s. 6.]

### **704.53 to 704.61 Reserved**

[Effective 2019/06/09 - Previous Version Dated 1996/10/10]

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## Division V - Aircraft Equipment Requirements

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### 704.62 General Requirements

- (1) No person shall operate an aircraft in IMC unless the aircraft is equipped with
- (a) at least two generators, each of which, subject to subsection (2), is driven by a separate engine, and at least half of which have a sufficient rating to supply the electrical loads of all instruments and equipment necessary for the safe emergency operation of the aircraft; and
  - (b) two independent sources of energy and a means of selecting either source, at least one source of energy being an engine-driven pump or generator, and each source of energy being able to drive all gyroscopic instruments and being installed so that the failure of one instrument or one source of energy will affect neither the energy supply to the remaining instruments nor the other source of energy.
- (2) In the case of a multi-engined helicopter, the generators required by paragraph (1)(a) may be driven by the main rotor drive train.
- (3) No person shall operate an aircraft at night unless the aircraft is equipped with at least one landing light.

### 704.63 Operation of Aircraft in Icing Conditions

- (1) When icing conditions are reported to exist or are forecast to be encountered along the route of flight, no person shall authorize a flight or its continuation or conduct a take-off or continue a flight in an aircraft, even if the pilot-in-command determines that the aircraft is adequately equipped to operate in icing conditions in accordance with paragraph 605.30(a), if, in the opinion of the pilot-in-command, the safety of the flight might be adversely affected.
- (2) No person shall operate an aeroplane in icing conditions at night unless the aeroplane is equipped with a means to illuminate or otherwise detect the formation of ice.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 16.]

### 704.64 Airborne Thunderstorm Detection and Weather Radar Equipment

No person shall operate an aircraft with passengers on board in IMC when current weather reports or forecasts indicate that thunderstorms may reasonably be expected along the route



to be flown, unless the aircraft is equipped with thunderstorm detection equipment or weather radar equipment.

#### **704.65 Additional Equipment for Single-pilot Operations**

No person shall operate an aircraft on a single-pilot operation in IMC unless the aircraft is equipped with

- (a) an auto-pilot that is capable of operating the aircraft controls to maintain flight and manoeuvre the aircraft about the lateral and longitudinal axes;
- (b) a headset with a boom microphone or equivalent and a transmit button on the control column; and
- (c) a chart holder that is equipped with a light and that is placed in an easily readable position.

#### **704.66 Protective Breathing Equipment**

**(1)** No air operator shall operate a pressurized aircraft unless protective breathing equipment with a 15-minute supply of breathing gas at a pressure-altitude of 8,000 feet is readily available at each flight crew member position.

**(2)** The protective breathing equipment referred to in subsection (1) may be used to meet the crew member oxygen requirements specified in Section 605.31.

#### **704.67 First Aid Oxygen**

No air operator shall operate an aircraft with passengers on board above FL250 unless the aircraft is equipped with oxygen dispensing units and an undiluted supply of first aid oxygen sufficient to provide at least one passenger with oxygen for at least one hour or the entire duration of the flight at a cabin pressure-altitude above 8,000 feet, after an emergency descent following cabin depressurization, whichever period is longer.

#### **704.68 Shoulder Harnesses**

No person shall operate an aircraft unless the pilot seat and any seat beside the pilot seat are equipped with a safety belt that includes a shoulder harness.

#### **704.69 Pitot Heat Indication System**

After June 30, 2008, no person shall conduct a take-off in a transport category aeroplane, or in a non-transport category aeroplane in respect of which a type certificate was issued after

December 31, 1964, that is equipped with a flight instrument Pitot heating system unless the aeroplane is also equipped with a Pitot heat indication system that meets the requirements of Section 525.1326 of Chapter 525 - Transport Category Aeroplanes of the *Airworthiness Manual*

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-78, s. 2.]

### **704.70 ACAS**

**(1)** Subject to subsection (4), no air operator shall operate, in airspace outside RVSM airspace, a turbine-powered aeroplane having an MCTOW greater than 5 700 kg (12,566 pounds) but less than or equal to 15 000 kg (33,069 pounds) or an aeroplane that is not a turbine-powered aeroplane having an MCTOW greater than 5 700 kg (12,566 pounds), unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C118 or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; or

(b) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides and is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(2)** Subject to subsection (4), no air operator shall operate a turbine-powered aeroplane having an MCTOW greater than 15 000 kg (33,069 pounds) in airspace outside RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(3)** Subject to subsection (4), no air operator shall operate an aeroplane referred to in subsection (1) or (2) in RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119b or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(4)** The air operator may operate the aeroplane without its being equipped with an operative ACAS if

(a) where a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the date of failure of the ACAS; or

(b) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the ACAS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(5)** This Section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until two years after that day.

[Amended 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30]

[SOR/2007-133, s. 8; SOR/2009-280, ss. 37, 39 to 42.]

### **704.71 TAWS**

**(1)** Subject to subsection (3), no air operator shall operate an aeroplane that has a seating configuration, excluding pilot seats, of six to nine inclusive, unless the aeroplane is equipped with an operative TAWS that

(a) meets the requirements for Class A or Class B equipment set out in CAN-TSO-C151a or a more recent version of it;

(b) meets the altitude accuracy requirements set out in Section 551.102 of Chapter 551 of the *Airworthiness Manual*; and

(c) has a terrain and airport database compatible with the area of operation.

**(2)** Subject to subsection (3), no air operator shall operate an aeroplane that has a seating configuration, excluding pilot seats, of ten or more, unless the aeroplane is equipped with an operative TAWS that

(a) meets the requirements for Class A equipment set out in CAN-TSO-C151a or a more recent version of it;

(b) meets the altitude accuracy requirements set out in Section 551.102 of Chapter 551 of

the *Airworthiness Manual*; and

(c) has a terrain and airport database compatible with the area of operation and a terrain awareness and situational display.

**(3)** The air operator may operate the aeroplane without its being equipped with an operative TAWS if

(a) the aeroplane is operated in day VFR only;

(b) in the event that a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the day on which the failure of the TAWS occurs; or

(c) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the TAWS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(4)** This section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until the day that is two years after that day.

[Amended 2020/12/09 - Previous Version Dated 2012/07/04][Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 12; SOR/2020-253, s. 14; SOR/2020-253, s. 15.]

### **704.72 to 704.82 Reserved**

[Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 1996/10/10]

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## **Division VI - Emergency Equipment**

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### **704.83 Hand-held Fire Extinguisher**

No air operator shall operate an aircraft with passengers on board unless at least one hand-held fire extinguisher is readily accessible for immediate use and is located in the passenger compartment.

### **704.84 Inspection Requirements**

No air operator shall operate an aircraft unless the emergency equipment carried on board under Division II of Subpart 2 of Part VI and this Division is inspected at the intervals

recommended by the equipment manufacturer.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 16.]

### **704.85 First Aid Kits**

No person shall conduct a take-off in an aircraft operated by an air operator unless the first aid kit carried on board in accordance with paragraph 602.60(1)(h) contains the supplies and equipment set out in the *Aviation Occupational Health and Safety Regulations*.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 16.]

### **704.86 Survival Equipment**

**(1)** No air operator shall operate an aircraft, other than an aircraft referred to in subsection 602.61(2), unless a survival manual is carried on board that contains information about how to use the survival equipment that is carried on board to meet the requirements of subsection 602.61(1).

**(2)** No air operator shall operate an aircraft on board of which life rafts are required to be carried in accordance with Section 602.63 unless the survival kit referred to in paragraph 602.63(6)(c) contains

- (a) a life raft repair kit;
- (b) a bailing bucket and a sponge;
- (c) a whistle;
- (d) a waterproof flashlight;
- (e) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person;
- (f) a waterproof survival manual that contains information about how to use the survival equipment;
- (g) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and motion sickness pills; and
- (h) a pyrotechnic signalling device, or an aviation visual distress signal that has a marking

applied by the manufacturer indicating that the signal meets the requirements of CAN-TSO-C168, a signalling mirror and a dye marker for visually signalling distress.

**(3)** Despite subsection (2), if there is insufficient space in the attached survival kit, a supplemental survival kit shall be stowed adjacent to each required life raft and contain

(a) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person; and

(b) motion sickness pills.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 16.]

### **704.87 to 704.105 Reserved**

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

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## **Division VII - Personnel Requirements**

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### **704.106 Minimum Crew**

No air operator shall operate an aircraft with fewer than two pilots, where the aircraft

(a) is an aeroplane carrying 10 or more passengers; or

(b) is carrying passengers and is being operated in IFR flight.

### **704.107 Designation of Pilot-in-command and Second-in-command**

(1) An air operator shall designate for each flight a pilot-in-command and, where the crew includes two pilots, a pilot-in-command and a second-in-command.

(2) An air operator shall record on the operational flight plan the name of the pilot-in-command and, if applicable, the second-in-command who were designated under subsection (1) and shall retain the plan for at least 180 days after the day on which the flight is completed.

[Effective 2019/06/14 - Previous Version Dated 1996/10/10]

[SOR/2019-119, s. 42.]

### **704.108 Flight Crew Member Qualifications**

**(1)** Subject to subsection (6), no air operator shall permit a person to act and no person shall act

as a flight crew member in an aircraft unless the person

(a) holds the licence and ratings required by Part IV;

(b) within the previous 90 days, has completed at least three take-offs and three landings

(i) where a type rating for that aircraft is required, in an aircraft of that type, or in a flight simulator representing that type of aircraft that has been approved by the Minister under Subpart 6 of Part VI for take-off and landing qualifications, or

(ii) where a type rating for that aircraft is not required, in an aircraft of that category and class, or in a flight simulator representing that category and class of aircraft that has been approved by the Minister under Subpart 6 of Part VI for take-off and landing qualifications;

(c) has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*; and

(d) has fulfilled the requirements of the air operator's ground training program and, except where undergoing line indoctrination training, the air operator's flight training program.

**(2)** An air operator may group similar aircraft as a single type for the purposes of the pilot proficiency check referred to in paragraph (1)(c) if the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standard*.

**(3)** No person shall act as the pilot-in-command of an aircraft with passengers on board in IFR flight unless the person has acquired at least 1,200 hours of flight time as a pilot.

**(4)** No person shall act as the pilot-in-command of an aircraft in VFR flight unless the person has acquired at least 500 hours of flight time as a pilot.

**(5)** No person shall act as the pilot-in-command of an aircraft with a person other than a flight crew member on board in night VFR flight unless the person acting as the pilot-in-command holds an instrument rating for that class of aircraft.

**(6)** An air operator may permit a person to act and a person may act as a flight crew member in an aircraft where the person does not meet the requirements of paragraphs (1)(b) to (d), if

- (a) the aircraft is operated on a training, ferry or positioning flight; or
- (b) the air operator
  - (i) is authorized to do so in its air operator certificate, and
  - (ii) complies with the *Commercial Air Service Standards*.

#### **704.109 Qualifications of Operational Control Personnel**

**(1)** No air operator shall permit a person to act and no person shall act in an operational control position unless that person has fulfilled the training requirements set out in this Subpart and has demonstrated to the air operator the knowledge and abilities required by the *Commercial Air Service Standards*.

**(2)** A person who has not acted in an operational control position within the previous three months shall, prior to acting in an operational control position, demonstrate to the air operator that the person still has the knowledge and abilities referred to in subsection (1).

#### **704.110 Check Authority**

**(1)** A pilot proficiency check shall be conducted by the Minister.

**(2)** Any other check required under this Subpart may be conducted by the Minister.

#### **704.111 Validity Period**

**(1)** Subject to subsections (2) and (3), the validity period of a pilot proficiency check and of the annual training referred to in Section 704.115 expires on the first day of the thirteenth month following the month in which the proficiency check or training was completed.

**(2)** Where a pilot proficiency check or annual training is renewed within the last 90 days of its validity period, its validity period is extended by 12 months.

**(3)** The Minister may extend the validity period of a pilot proficiency check or annual training by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.

**(4)** Where the validity period of a pilot proficiency check or annual training has been expired for 24 months or more, the person shall requalify by meeting the training requirements specified in the *Commercial Air Service Standards*.



**704.112 to 704.114 Reserved**

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**Division VIII - Training**

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**704.115 Training Program**

- (1) Every air operator shall establish and maintain a ground and flight training program that is
- (a) designed to ensure that each person who receives training acquires the competence to perform the person's assigned duties; and
  - (b) approved by the Minister in accordance with the *Commercial Air Service Standards*.
- (2) An air operator's ground and flight training program shall include
- (a) for flight crew members:
    - (i) company indoctrination training,
    - (ii) line indoctrination training,
    - (iii) high-altitude training, where applicable,
    - (iv) upgrading training, where applicable, and
    - (v) initial and annual training, including
      - (A) aircraft type training,
      - (B) aircraft servicing and ground handling training,
      - (C) emergency procedures training, and
      - (D) aircraft surface contamination training;
  - (b) initial and annual training for operational control personnel;
  - (c) initial and annual aircraft surface contamination training for those operations personnel designated in the *Commercial Air Service Standards*;
  - (d) initial and annual training for personnel who are assigned to perform duties on board an aircraft; and

(e) any other training required to ensure a safe operation under this Subpart.

**(3)** An air operator shall

(a) include a detailed syllabus of its ground and flight training program in its *Company Operations Manual*;

(b) ensure that adequate facilities and qualified personnel are provided for its ground and flight training program, in accordance with the *Commercial Air Service Standards*; and

(c) establish and maintain a safety awareness program concerning the adverse effects of aircraft surface contamination and provide the program to all flight operations personnel who are not required to receive the training described in paragraph (2)(c).

**(4)** An air operator shall have a fatigue management training program for its flight crew members that contains

(a) personal fatigue management strategies relating to

(i) sleep hygiene,

(ii) lifestyle, exercise and diet, and

(iii) the consumption of alcohol and drugs;

(b) the impact of fatigue on aviation safety;

(c) sleep requirements and the science relating to fatigue;

(d) the causes and consequences of fatigue;

(e) how to recognize fatigue in themselves and in others;

(f) sleep disorders, their impact on aviation safety and treatment options; and

(g) human and organizational factors that may cause fatigue, including

(i) sleep quality and duration,

(ii) the impact of shift work and overtime,

(iii) the circadian rhythm, and

(iv) the effects of changes of time zones.

[Effective 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 16]

### **704.116 Conditional Approval of Training Program**

**(1)** The Minister may give conditional approval to a training program where an air operator submits to the Minister a copy of a syllabus of its training program that provides enough information for a preliminary evaluation of the training program in light of the *Commercial Air Service Standards*.

**(2)** An air operator may conduct training under a training program that has received conditional approval until the Minister has evaluated the effectiveness of the training program and has informed the air operator of any deficiencies that must be corrected.

**(3)** The Minister shall give final approval to a conditionally approved training program when the air operator demonstrates that the training conducted under that program is adequate to permit the persons who receive it to safely perform their assigned duties.

### **704.117 Training and Qualification Records**

**(1)** Every air operator shall, for each person who is required to receive training under this Subpart, establish and maintain a record of

(a) the person's name and, where applicable, personnel licence number, type and ratings;

(b) if applicable, the person's medical category and the expiry date of that category;

(c) the dates on which the person, while in the air operator's employ, successfully completed any training, pilot proficiency check or examination required under this Subpart or obtained any qualification required under this Subpart;

(d) information relating to any failure of the person, while in the air operator's employ, to successfully complete any training, pilot proficiency check or examination required under this Subpart or to obtain any qualification required under this Subpart; and

(e) the type of aircraft or flight training equipment used for any training, pilot proficiency check or qualification required under this Subpart.

**(2)** An air operator shall retain the records referred to in paragraphs (1)(c) and (d) and a record of each pilot proficiency check for at least three years.

(3) An air operator shall retain a copy of the most recent written examination completed by each pilot for each type of aircraft for which the pilot has a qualification.

**704.118 and 704.119 Reserved**

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**Division IX - Manuals**

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**704.120 Requirements Relating to Company Operations Manual**

(1) Every air operator shall establish and maintain a *Company Operations Manual* that meets the requirements of Section 704.121.

(2) An air operator shall submit its *Company Operations Manual*, and any amendments to that manual, to the Minister.

(3) Where there is a change in any aspect of an air operator's operation or where the *Company Operations Manual* no longer meets the *Commercial Air Service Standards*, the air operator shall amend its *Company Operations Manual*.

(4) The Minister shall, where the *Commercial Air Service Standards* are met, approve those parts of a *Company Operations Manual*, and any amendments to those parts, that relate to the information required by Section 704.121.

**704.121 Contents of Company Operations Manual**

(1) A *Company Operations Manual*, which may be issued in separate parts corresponding to specific aspects of an operation, shall include the instructions and information necessary to enable the personnel concerned to perform their duties safely and shall contain the information required by the *Commercial Air Service Standards*.

(2) A *Company Operations Manual* shall be such that

(a) all parts of the manual are consistent and compatible in form and content;

(b) the manual can be readily amended;

(c) the manual contains an amendment control page and a list of the pages that are in effect; and

(d) the manual has the date of the last amendment to each page specified on that page.

### **704.122 Distribution of Company Operations Manual**

- (1)** Subject to subsection (2), an air operator shall provide a copy of the appropriate parts of its *Company Operations Manual*, including any amendments to those parts, to each of its crew members and to its ground operations and maintenance personnel.
- (2)** An air operator may place a copy of the appropriate parts of its *Company Operations Manual* in each aircraft that it operates, instead of providing a copy to each crew member, if all amendments to the manual are included in the system for the dissemination of general operational information referred to in Section 704.13.
- (3)** Every person who has been provided with a copy of the appropriate parts of a *Company Operations Manual* pursuant to subsection (1) shall keep it up to date with the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

### **704.123 Aircraft Operating Manual**

- (1)** An air operator may establish and maintain an aircraft operating manual for the use and guidance of crew members in the operation of its aircraft.
- (2)** An aircraft operating manual shall contain
  - (a)* the aircraft operating procedures; and
  - (b)* where the aircraft flight manual is not carried on board the aircraft, the aircraft performance data and limitations specified in the aircraft flight manual, which shall be clearly identified as aircraft flight manual requirements.
- (3)** An air operator that has established an aircraft operating manual shall ensure that a copy of the manual is carried on board each aircraft to which it relates.

### **704.124 Standard Operating Procedures**

- (1)** Every air operator shall, for each of its aircraft that is required to be operated by two or more pilots, establish and maintain standard operating procedures that enable the crew members to operate the aircraft within the limitations specified in the aircraft flight manual and that meet the *Commercial Air Service Standards*.
- (2)** An air operator that has established standard operating procedures for an aircraft shall ensure that a copy of the standard operating procedures is carried on board the aircraft.

**(3)** Where an air operator has established an aircraft operating manual, the standard operating procedures for the aircraft shall form part of that manual.

**704.125 to 704.127 Reserved**

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## **Subpart 5 - Airline Operations**

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### **Division I - General**

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#### **705.01 Application**

This Subpart applies in respect of the operation by a Canadian air operator, in an air transport service or in aerial work involving sightseeing operations, of any of the following aircraft:

- (a) an aeroplane, other than an aeroplane authorized to operate under Subpart 4, that has a MCTOW of more than 8 618 kg (19,000 pounds) or for which a Canadian type certificate has been issued authorizing the transport of 20 or more passengers;
- (b) a helicopter that has a seating configuration, excluding pilot seats, of 20 or more; or
- (c) any aircraft that is authorized by the Minister to be operated under this Subpart.

#### **705.02 Aircraft Operation**

No air operator shall operate an aircraft under this Subpart unless the air operator complies with the conditions and operations specifications in an air operator certificate issued to that operator by the Minister pursuant to Section 705.07.

#### **705.03 Operations Manager**

**(1)** Repealed.

**(2)** The operations manager appointed under paragraph 700.09(1)(a) shall, where a finding resulting from a quality assurance program established under Section 706.07 or a safety management system referred to in Section 705.151 is reported to them,

- (a) determine what, if any, corrective actions are required and carry out those actions;

- (b) keep a record of any determination made under paragraph (a) and the reason for it;
- (c) if management functions have been assigned to another person under subsection (3) or (4), communicate any determination regarding a corrective action to that person; and
- (d) notify the accountable executive of any systemic deficiency and of the corrective action taken.

**(3)** The operations manager may assign the management functions for the entire safety management system referred to in Section 705.151 to another person if the assignment and its scope are described in the air operator's *Company Operations Manual*.

**(4)** The operations manager may assign the management functions for specific duties to another person if the assignment and its scope are described in the air operator's *Company Operations Manual*.

**(5)** The responsibility of the operations manager is not affected by the assignment of management functions to another person under subsection (3) or (4).

[Effective 2019/08/08 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 22; SOR/2019-295, s. 15.]

#### **705.04 Holder of More Than One Certificate**

If the holder of an air operator certificate issued under Section 705.07 is also the holder of an approved maintenance organization (AMO) certificate issued under Section 573.02, the person responsible for maintenance appointed under paragraph 573.03(1)(a) shall, where a finding resulting from a quality assurance program established under Section 706.07 is reported to them,

- (a) determine what, if any, corrective actions are required and carry out those actions;
- (b) keep a record of any determination made under paragraph (a) and the reason for it;
- (c) if management functions have been assigned to another person under subsection 573.04(4) or (5), communicate any determination regarding a corrective action to that person; and
- (d) notify the accountable executive of any systemic deficiency and of the corrective action taken.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 22.]

## **705.05 to 705.06 Reserved**

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

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## **Division II - Certification**

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### **705.07 Issuance or Amendment of Air Operator Certificate**

**(1)** Subject to Section 6.71 of the *Act*, the Minister shall, on receipt of an application submitted in the form and manner required by the *Commercial Air Service Standards*, issue or amend an air operator certificate where the applicant demonstrates to the Minister the ability to

- (a) maintain an adequate organizational structure;
- (b) maintain an operational control system;
- (c) meet training program requirements;
- (d) comply with maintenance requirements;
- (e) meet the *Commercial Air Service Standards* for the operation; and
- (f) conduct the operation safely.

**(2)** For the purposes of subsection (1), an applicant shall have

- (a) a management organization capable of exercising operational control;
- (b) managerial personnel who have been approved by the Minister in accordance with the *Commercial Air Service Standards*, are employed on a full-time basis and perform the functions related to the following positions, namely,
  - (i) operations manager,
  - (ii) chief pilots,
  - (iii) where the applicant does not hold an approved maintenance organization (AMO) certificate, maintenance manager, and
  - (iv) where flight attendants are required for the operation, flight attendant manager;



(c) a safety management system that meets the requirements of Subpart 7 of Part I and Section 705.152;

(d) operational support services and equipment that meet the *Commercial Air Service Standards*;

(e) after January 1, 1997, where a master minimum equipment list has been established for a type of aircraft, a minimum equipment list for each aircraft of that type, approved by the Minister in accordance with the procedures specified in the *MMEL/MEL Policy and Procedures Manual*;

(f) aircraft that are properly equipped for and crew members who are qualified for the area of operation and the type of operation;

(g) an operational control system that meets the requirements of Section 705.20;

(h) a training program that meets the requirements of Section 705.124;

(i) legal custody and control of at least one aircraft of each category of aircraft that is to be operated;

(j) a *Company Operations Manual* that meets the requirements of Sections 705.134 and 705.135; and

(k) a maintenance control system approved pursuant to Subpart 6; and

(l) an air operator emergency response plan that has the components set out in subsection 725.07(3) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*.

[Amended 2005/11/21 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 23; SOR/2005-357, s. 7.]

### **705.08 Contents of Air Operator Certificate**

An air operator certificate shall contain

(a) the legal name, trade name and address of the air operator;

(b) the number of the air operator certificate;

(c) the effective date of certification;

- (d) the date of issue of the certificate;
- (e) the general conditions identified in Section 705.09;
- (f) specific conditions with respect to
  - (i) the areas of operation authorized,
  - (ii) the types of service authorized,
  - (iii) the types of aircraft authorized and, if applicable, their registration, and any operational restrictions, and
  - (iv) the main base, scheduled points and, if applicable, sub-bases; and
- (g) where the air operator complies with the *Commercial Air Service Standards*, operations specifications with respect to
  - (i) aircraft performance, equipment and emergency equipment requirements,
  - (ii) instrument approach procedures,
  - (iii) enroute aerodrome authorizations and limitations,
  - (iv) special weather minima authorizations,
  - (v) authorizations concerning flight crew member qualifications and crew member complement,
  - (vi) navigation system authorizations,
  - (vii) pilot training and pilot proficiency checks,
  - (viii) the air operator maintenance control system approved pursuant to Subpart 6,
  - (ix) leasing arrangements,
  - (x) the use of synthetic flight training devices, and
  - (xi) any other condition pertaining to the operation that the Minister deems necessary for aviation safety.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

### **705.09 General Conditions of Air Operator Certificate**

An air operator certificate shall contain the following general conditions:

- (a) the air operator shall conduct flight operations in accordance with its *Company Operations Manual*;
- (b) the air operator shall maintain an adequate organizational structure;
- (c) the air operator shall employ managerial personnel who meet the *Commercial Air Service Standards*;
- (d) the air operator shall conduct training in accordance with its training program approved pursuant to this Subpart;
- (e) the air operator shall maintain aircraft that are properly equipped for the area of operation and the type of operation;
- (f) the air operator shall employ crew members who are qualified for the area of operation and the type of operation;
- (g) the air operator shall maintain its aircraft in accordance with the requirements of Subpart 6;
- (h) the air operator shall maintain operational support services and equipment that meet the *Commercial Air Service Standards*;
- (i) the air operator shall notify the Minister within 10 working days after
  - (i) changing its legal name, its trade name, its main base, a sub-base, a scheduled point or its managerial personnel, or
  - (ii) ceasing to operate a type of aircraft authorized under this Subpart; and
- (j) the air operator shall conduct a safe operation.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 18.]

### **705.10 to 705.15 Reserved**

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## **Division III - Flight Operations**

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### **705.16 Exceptions**

**(1)** Sections 705.40, 705.43, 705.75, 705.77 to 705.79, 705.139 and 705.201 do not apply if nine or fewer persons are on board an aircraft and each person is

- (a) an employee of the air operator;
- (b) a person whose presence on board the aircraft is necessary for
  - (i) the safety of the flight,
  - (ii) the safe handling of animals,
  - (iii) the safe handling of dangerous goods,
  - (iv) the security of valuable or confidential cargo,
  - (v) the preservation of fragile or perishable cargo, or
  - (vi) the handling of cargo;
- (c) a person described in paragraph (b) who is travelling to or from an assignment;
- (d) an owner or shipper of animals; or
- (e) a dependant of an employee of the air operator.

**(2)** Any person referred to in subsection (1) may be carried on board an aircraft for which the type certificate does not authorize the transport of passengers.

**(3)** No air operator shall operate an aircraft with a person referred to in subsection (1) on board unless

- (a) the air operator has established procedures for the transport of that person;
- (b) the person has unobstructed access from the person's seat to the flight deck, to an exit or to an emergency exit;
- (c) the person is provided with a means of two-way communication with the flight crew

members;

(d) the pilot-in-command has a means of notifying the person when safety belts must be fastened; and

(e) the air operator ensures that, before every take-off, the person is given a briefing by a crew member in accordance with the *Commercial Air Service Standards*.

[Effective 2015/08/01 - Previous Version Dated 1996/10/10]

[SOR/2015-127, s. 15]

### **705.17 Operating Instructions**

**(1)** An air operator shall ensure that all operations personnel are properly instructed about their duties and about the relationship of their duties to the operation as a whole.

**(2)** The operations personnel of an air operator shall follow the procedures specified in the air operator's *Company Operations Manual* in the performance of their duties.

### **705.18 General Operational Information**

Every air operator shall establish a system for the timely dissemination of general operational information that includes a means for each crew member and each flight dispatcher to acknowledge receipt of that information.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 19.]

### **705.19 Scheduled Air Service Requirements**

**(1)** Subject to subsection (2), every air operator that operates a scheduled air service for the purpose of transporting persons shall operate the service between airports or heliports or between an airport or heliport and a military aerodrome.

**(2)** An air operator may operate a scheduled air service for the purpose of transporting persons between an airport and an aerodrome or between two aerodromes if the air operator is authorized to do so in its air operator certificate.

[Amended 2007/06/30 - Previous Version Dated 1996/10/10]

[SOR/2007-87, s. 16.]

### **705.20 Operational Control System**

No air operator shall operate an aircraft unless the air operator has an operational control system that meets the *Commercial Air Service Standards* and is under the control of its

operations manager.

### **705.21 Flight Authorization**

No person shall commence a flight unless the flight has been authorized in accordance with the procedures specified in the air operator's *Company Operations Manual*.

### **705.22 Operational Flight Plan**

**(1)** No air operator shall permit a person to commence a flight unless an operational flight plan that meets the *Commercial Air Service Standards* has been prepared in accordance with the procedures specified in the air operator's *Company Operations Manual*.

**(1.1)** An air operator shall specify in its *Company Operations Manual*

(a) the period for which the operational flight plan referred to in subsection (3) shall be kept;

(b) the method of recording the formal approval of the plan by the flight dispatcher; and

(c) the method of recording the formal approval of the plan by the pilot-in-command.

[Amended 1999/06/01 - No Previous Version]

**(2)** The pilot-in-command of an aircraft shall ensure that one copy of the operational flight plan is left at a point of departure, in accordance with the procedures specified in the *Company Operations Manual*, and that another copy is carried on board the aircraft until the aircraft reaches the final destination of the flight.

**(3)** An air operator shall keep a copy of the operational flight plan, including any amendments to that plan, for not less than 90 days.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 9.]

### **705.23 Maintenance of Aircraft**

No air operator shall permit a person to conduct a take-off in an aircraft that has not been maintained in accordance with the air operator's maintenance control system.

### **705.24 Checklist**

**(1)** Every air operator shall establish the checklist referred to in paragraph 602.60(1)(a) for each aircraft type that it operates and shall make the appropriate parts of the checklist readily

available to the crew members.

**(2)** Every crew member shall follow the checklist referred to in subsection (1) in the performance of the crew member's assigned duties.

### **705.25 Fuel Requirements**

**(1)** Subject to subsection (2), no air operator shall authorize a flight and no person shall commence a flight unless the aircraft

(a) when operating in VFR flight, carries sufficient fuel to fly to the destination aerodrome and thereafter to fly for 45 minutes at normal cruising speed;

(b) when operating in IFR flight on designated routes or over designated areas as defined in the *Commercial Air Service Standards*, carries an enroute fuel reserve of five per cent of the fuel required to fly to the destination aerodrome; and

(c) when operating in IFR flight, except when complying with the *Safety Criteria for Approval of Extended Range Twin-engine Operations (ETOPS) Manual*, carries sufficient fuel to allow the aircraft

(i) to descend at any point along the route to the lower of

(A) the one-engine-inoperative service ceiling, or

(B) 10,000 feet ASL,

(ii) to cruise at the altitude referred to in subparagraph (i) to a suitable aerodrome,

(iii) to conduct an approach and a missed approach, and

(iv) to hold for 30 minutes at an altitude of 1,500 feet above the elevation of the aerodrome selected in accordance with subparagraph (ii).

**(2)** An air operator may be authorized in an air operator certificate to reduce the enroute fuel reserve required by paragraph (1)(b) where the air operator complies with the *Commercial Air Service Standards*.

### **705.26 Extended Range Twin-Engined Operations**

**(1)** Subject to subsection (2), no air operator shall operate a twin-engined aeroplane on a route containing a point that is farther from an adequate aerodrome than the distance that can be

flown in 60 minutes at the one-engine-inoperative cruise speed, unless the flight is conducted wholly within Canadian Domestic Airspace.

**(2)** An air operator may operate an aeroplane on a route referred to in subsection (1) where

(a) the aeroplane is turbine-powered;

(b) the air operator is authorized to do so in its air operator certificate; and

(c) the air operator complies with the *Safety Criteria for Approval of Extended Range Twin-engine Operations (ETOPS) Manual*.

### **705.27 Admission to Flight Deck**

**(1)** Where a Department of Transport air carrier inspector presents an official identity card to the pilot-in-command of an aircraft, the pilot-in-command shall give the inspector free and uninterrupted access to the flight deck of the aircraft.

**(2)** An air operator and the pilot-in-command shall make available for the use of the air carrier inspector the observer seat most suitable to perform the inspector's duties, as determined by the inspector.

**(3)** An air operator shall ensure that only the following persons are admitted to the flight deck of an aircraft:

(a) a crew member;

(b) an inspector referred to in subsection (1); and

(c) a person authorized by the air operator under subsection (4).

**(4)** An air operator shall not authorize a person referred to in column I of the table to this section to access the flight deck of an aircraft operating in domestic service unless the access would not have an adverse effect on aviation safety and the air operator has verified

(a) that the person is a person referred to in column I of the table and is employed by an employer referred to in column II of the table; and

(b) the identity of the person by examining the document referred to in column III of the table and one of the documents referred to in column IV of the table.

**(5)** An air operator that authorizes access to the flight deck of an aircraft shall keep a record of the following information for two years after the day on which access is authorized:



- (a) the name of the authorized person;
- (b) the name of their employer; and
- (c) the date of the flight and flight number.

**(6)** Before each flight, an air operator shall notify the pilot-in-command of the identity of the persons who the operator has authorized to access the flight deck of an aircraft.

**(7)** Before admitting a person authorized under subsection (4) to the flight deck of an aircraft, the pilot-in-command shall verify the identity of the person by means of the documents referred to in paragraph 4(b).

**(8)** A person authorized under subsection (4) who is admitted to the flight deck of an aircraft may only occupy an observer seat.

**(9)** The pilot-in-command may refuse access to the flight deck of an aircraft if they are of the opinion that there would be an adverse effect on aviation safety.

**(10)** The air operator shall set out, in its *Company Operations Manual*, procedures respecting

- (a) the granting of authorization to access the flight deck;
- (b) the verification required under subsection (4); and
- (c) the notice to be provided to the pilot-in-command under subsection (6).

**Table**

Item	Column I	Column II	Column III	Column IV
	Person	Employer	Mandatory Identification Documents	Other Identification Documents
1	Canadian pilot travelling for positioning or personal reasons	Canadian air operator	Valid restricted area identity card	One of the following valid documents:  (a) Passport;  (b) Airline transport, commercial or multi-crew

				<p>pilot licence with a valid medical certificate; or</p> <p>(c) Photo identification issued by the employer</p>
2	Foreign pilot travelling for positioning or for personal reasons	Foreign wholly owned subsidiary or code share partner of the air operator	Valid piece of photo identification issued by the employer	<p>One of the following valid documents:</p> <p>(a) Passport;</p> <p>(b) Airline transport, commercial or multi-crew pilot licence with a valid Category 1 medical certificate; or</p> <p>(c) Piece of photo identification issued by the foreign government</p>
3	flight attendant, flight engineer or a person who has expertise related to the aircraft, its equipment or its crew members and who is required to be on the flight deck to provide a service to the air operator	<p>(a) Canadian air operator;</p> <p>(b) Foreign wholly owned subsidiary or code share partner of the air operator; or</p> <p>(c) Person providing a service to the air operator</p>	Valid piece of photo identification issued by the employer	<p>One of the following valid documents:</p> <p>(a) Passport;</p> <p>(b) Restricted area identity card;</p> <p>(c) Flight engineer licence with a valid Category 1 or 2 medical certificate; or</p> <p>(d) Piece of photo identification issued by the foreign state, if the employer is a foreign wholly owned subsidiary or code share partner</p>
4	Air operator	Air operator	Valid piece of	One of the following valid

	employee	that authorized the access to the flight deck	photo identification issued by the employer	documents:  (a) Passport; or  (b) Restricted area identity card
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[Effective 2020/06/26 - Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 10; SOR/2002-135, s. 1; SOR/2020-151, s. 18.]

### **705.28 Seats for Cabin Safety Inspectors**

An air operator shall provide a cabin safety inspector who is performing an in-flight cabin inspection with a confirmed passenger seat in the passenger compartment.

### **705.29 Flight Crew Members at Controls**

**(1)** Subject to subsection (2), flight crew members who are on flight deck duty shall remain at their duty stations with their safety belts fastened and, where the aircraft is below 10,000 feet ASL, with their safety belts, including their shoulder harnesses, fastened.

**(2)** Flight crew members may leave their duty stations where

(a) their absence is necessary for the performance of duties in connection with the operation of the aircraft;

(b) their absence is in connection with physiological needs; or

(c) they are taking a rest period and are relieved by other flight crew members who meet the qualifications set out in the *Commercial Air Service Standards*.

### **705.30 Simulation of Emergency Situations**

No person shall, if passengers or cargo are on board an aircraft, simulate emergency situations that could affect the flight characteristics of the aircraft.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 19.]

### **705.31 Crew Member Briefing**

The pilot-in-command of an aircraft shall ensure that, prior to each flight or series of flight segments, the crew members of the aircraft are given a pre-flight briefing that meets the

*Commercial Air Service Standards.*

**705.32 VFR Flight Obstacle Clearance Requirements**

Except when conducting a take-off or landing, no person shall operate an aeroplane in VFR flight

(a) during the day, at less than 1,000 feet AGL or at a horizontal distance of less than 1,000 feet from any obstacle; or

(b) at night, at less than 1,000 feet above the highest obstacle located within a horizontal distance of five miles from the route to be flown or, in designated mountainous regions, at less than 2,000 feet above the highest obstacle located within a horizontal distance of five miles from the route to be flown.

**705.33 VFR Flight Weather Conditions**

No person shall commence a VFR flight unless current weather reports and forecasts, if obtainable, indicate that the weather conditions along the route to be flown and at the destination aerodrome will be such that the flight can be conducted in compliance with VFR.

**705.34 Take-off Minima**

**(1)** Subject to subsection (2), no person shall conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used unless an alternate aerodrome is specified in the operational flight plan and that aerodrome is located

(a) in the case of a twin-engined aircraft, within the distance that can be flown in 60 minutes at the one-engine-inoperative cruise speed; or

(b) in the case of a three- or four-engined aircraft or where an air operator is authorized in its air operator certificate to conduct ETOPS with the type of aircraft operated, within the distance that can be flown in 120 minutes at the one-engine-inoperative cruise speed.

**(2)** A person may conduct a take-off in an aircraft in IMC where weather conditions are at or above the take-off minima, but below the landing minima, for the runway to be used, if the weather conditions are at or above the landing minima for another suitable runway at that aerodrome, taking into account the aircraft performance operating limitations specified in Division IV.

**(3)** For the purposes of Section 602.126, a person may conduct a take-off in an aircraft in IMC

where weather conditions are below the take-off minima specified in the instrument approach procedure, if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

**(4)** For the purposes of this Section, the landing minima are the decision height or the minimum descent altitude and the visibility published for an approach.

#### **705.35 No Alternate Aerodrome - IFR Flight**

For the purposes of Section 602.122, a person may conduct an IFR flight where an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary, if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

#### **705.36 VFR OTT Flight**

No person shall operate an aircraft in VFR OTT flight unless

(a) the aircraft is a helicopter;

(b) the person is authorized to do so in an air operator certificate; and

(c) the person complies with the *Commercial Air Service Standards*.

#### **705.37 Routes in Uncontrolled Airspace**

No person shall, in uncontrolled airspace, conduct an IFR flight or a night VFR flight on a route other than an air route unless the air operator establishes the route in accordance with the *Commercial Air Service Standards*.

#### **705.38 Reserved**

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

#### **705.39 Weight and Balance Control**

**(1)** No person shall operate an aircraft unless, during every phase of the flight, the load restrictions, weight and centre of gravity of the aircraft conform to the limitations specified in

the aircraft flight manual.

**(2)** An air operator shall have a weight and balance system that meets the *Commercial Air Service Standards*.

**(3)** An air operator shall keep a copy of the weight and balance forms, including any amendments to the forms, for not less than 90 days.

[Amended 1999/06/01- Previous Version Dated 1996/10/10]

**(4)** An air operator shall specify in its company operation manual

(a) its weight and balance system;

(b) its instructions to employees regarding the preparation and accuracy of weight and balance forms; and

(c) the period for which the forms shall be kept.

[Amended 1999/06/01- No Previous Version]

[SOR/99-158, s. 11.]

#### **705.40 Passenger and Cabin Safety Procedures**

**(1)** An air operator shall establish procedures to ensure that

(a) passengers move to and from the aircraft and embark and disembark safely, in accordance with procedures that meet the *Commercial Air Service Standards* and that are specified in the air operator's *Company Operations Manual*;

(b) all passengers are seated and secured in accordance with subsection 605.26(1);

(c) subject to subsection (2), the back of each seat is in the upright position and all chair tables and carry-on baggage are stowed during movement on the surface, take-off and landing and at such other times as the pilot-in-command considers necessary for the safety of the persons on board the aircraft; and

(d) seats located at emergency exits and seats that are not located on the main deck of an aircraft are not occupied by passengers whose presence in those seats could adversely affect the safety of passengers or crew members during an emergency evacuation.

**(2)** An air operator may, for the transportation of any passenger who has been certified by a physician as unable to sit upright, allow the back of the seat occupied by such a passenger to remain in the reclining position during movement on the surface, take-off and landing if

(a) the passenger is seated in a location that will not restrict the evacuation of other passengers from the aircraft;

(b) the passenger is not seated in a row that is next to or immediately in front of an emergency exit; and

(c) the seat immediately behind the passenger's seat is vacant.

**(3)** An air operator shall not permit an aircraft with passengers on board to be fuelled unless the fuelling is carried out in accordance with procedures that meet the requirements set out in subsection 725.40(2) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*.

**(4)** Repealed.

[Effective 2019/08/08 - Previous Version Dated 1996/10/10]

[SOR/2019-295, s. 16; SOR/2019-296, s. 10.]

#### **705.41 Flight Attendant Stations**

**(1)** Each flight attendant shall, for take-off and landing, occupy a seat in the passenger cabin that meets the requirements of subsection (2).

**(2)** Each flight attendant station shall be approved by the Minister in accordance with the *Commercial Air Service Standards*.

**(3)** No air operator shall permit a flight attendant seat to be occupied by a person other than a flight attendant unless the air operator

(a) is authorized to do so in its air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

#### **705.42 Carry-on Baggage**

**(1)** Every air operator shall establish a carry-on baggage control program that is approved by the Minister in accordance with the *Commercial Air Service Standards*.

**(2)** No air operator shall permit a person to carry on board an aircraft any carry-on baggage unless that baggage has been accepted in accordance with a carry-on baggage control program and can be

(a) stowed in a compartment or overhead rack that has been approved by the Minister in

accordance with Chapter 551 of the *Airworthiness Manual* for the stowage of carry-on baggage;

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

(b) stowed under a passenger seat; or

(c) restrained by a means that has been approved by the Minister in accordance with Chapter 551 of the *Airworthiness Manual*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

**(3)** No person shall carry on board an aircraft any carry-on baggage unless that baggage has been accepted in accordance with a carry-on baggage control program.

**(4)** All carry-on baggage that is stowed under a passenger seat shall be restrained in a manner that has been approved by the Minister in accordance with Chapter 551 of the *Airworthiness Manual*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

**(5)** All carry-on baggage shall be stowed so that it does not obstruct access to safety equipment, exits or the aisles of the aircraft.

**(6)** No air operator shall allow the passenger entry doors of an aircraft to be closed for departure until a crew member has verified that all carry-on baggage is stowed in a location that has been approved by the Minister in accordance with Chapter 551 of the *Airworthiness Manual* or is restrained by a means that has been approved by the Minister in accordance with Chapter 551 of the *Airworthiness Manual*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

**(7)** All carry-on baggage shall be safely stowed prior to movement of the aircraft on the surface and during take-off, periods of in-flight turbulence and landing.

**(8)** No carry-on baggage that may cause injury to passengers in the event of turbulence or an emergency shall be stowed in an overhead rack unless that rack is equipped with restraining devices or doors that have been approved by the Minister in accordance with Chapter 551 of the *Airworthiness Manual*.

[Amended 1999/06/01 - Previous Version Dated 1996/10/10]

[SOR/99-158, s. 12.]

### **705.43 Briefing of Passengers**

**(1)** An air operator shall ensure that passengers are given a safety briefing in accordance with



the *Commercial Air Service Standards*.

**(2)** An air operator shall ensure that the safety briefing referred to in subsection (1) is given in English and French.

**(3)** If the safety briefing referred to in subsection (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations, seat orientation or responsibility for another person on board the aircraft, the air operator shall ensure that the passenger is given an individual safety briefing that

(a) is appropriate to the passenger's needs; and

(b) meets the *Commercial Air Service Standards*.

**(4)** An air operator shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the *Commercial Air Service Standards*.

**(5)** An air operator shall ensure that each passenger who is seated next to a window emergency exit is informed by a crew member that the window is an emergency exit and is made aware of how to operate that exit.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 20.]

#### **705.44 Safety Features Card and Supplemental Briefing Card**

**(1)** An air operator shall provide each passenger, at the passenger's seat, with a safety features card containing, in pictographic form, the information required for a safety features card by Section 725.44 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*, and any wording shall be in English and French.

**(2)** An air operator shall ensure that

(a) the information required for a supplemental briefing card by Section 725.44 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards* is available to passengers in the following four formats:

(i) English text in 14-point or larger sans-serif type with dark characters on a light background,

(ii) French text in 14-point or larger sans-serif type with dark characters on a light background,

(iii) English braille as defined and set out in the publication entitled English Braille, American Edition, 1994, published in 1994 or later by the Braille Authority of North America, and

(iv) French braille as set out in the Code braille français uniformisé pour la transcription des textes imprimés (CBFU), Quebec Edition (2008); and

(b) two copies in each format are on board every aircraft.

**(3)** The four formats may be displayed on one or more supplemental briefing cards.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 21.]

### **705.45 Closing and Locking of Flight Deck Door**

**(1)** Subject to subsection (2), after May 1, 2002, the pilot-in-command of an aeroplane that is equipped with a flight deck door shall ensure that all times from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival,

(a) in the case of an aeroplane referred to in subsection 705.80(1), the flight deck door is closed and locked using the locking device required by subsection 705.80(2); and

(b) in the case of any other aeroplane,

(i) the flight deck door is closed, and

(ii) if the door is equipped with a locking device, it is locked.

**(2)** Subsection (1) does not apply if a Department of Transport air carrier inspector, a crew member or a person authorized under subsection 705.27(4) to access the flight deck is required to enter or leave the flight deck

(a) for the performance of their duties;

(b) for physiological needs; or

(c) for an overriding concern related to the safety of the flight.

**(3)** In all cases, persons entering or leaving the flight deck must comply with the procedures for opening, closing and locking flight deck doors set out in the *Company Operations Manual*.

[Effective 2020/06/26 - Previous Version Dated 2003/04/09][Amended 2003/04/09 - Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

[SOR/2002-135, s. 2; SOR/2003-121, s. 3; SOR/2020-151, s. 20.]

### **705.46 Night VFR Flight - Aeroplane**

No person shall operate an aeroplane in night VFR flight unless

- (a) the flight is conducted within 25 nautical miles of the departure aerodrome; or
- (b) in the case of an IFR flight, the pilot-in-command establishes visual contact with the intended aerodrome of landing and receives an authorization from the appropriate air traffic control unit or flight service station to conduct a visual approach.

[Amended 2003/12/01 - Previous Version Dated 2002/03/21]

[SOR/2003-348, s. 1.]

### **705.47 Instrument Approach Procedures**

**(1)** No person shall conduct a CAT II or CAT III precision approach unless

- (a) the air operator is authorized to do so in its air operator certificate; and
- (b) the approach is conducted in accordance with the *Manual of All Weather Operations* (Categories II and III).

**(2)** No person shall terminate an instrument approach with a landing unless, immediately prior to landing, the pilot-in-command ascertains, by means of radiocommunication or visual inspection,

- (a) the condition of the runway or surface of intended landing; and
- (b) the wind direction and speed.

[Amended 2006/12/01 - Previous Version Dated 1996/10/10]

[SOR/2006-199, s. 21]

### **705.48 Approach Bans - Non-precision, APV and CAT I Precision**

**(1)** For the purposes of subsections (2) to (4), the visibility with respect to an aeroplane is less than the minimum visibility required for a non-precision approach, an APV or a CAT I precision approach if, in respect of the advisory visibility specified in the *Canada Air Pilot* and set out in column I of an item in the table to this Section,

- (a) where the RVR is measured by RVR "A" and RVR "B", the RVR measured by RVR "A" for the runway of intended approach is less than the visibility set out in column II of the item

for the approach conducted;

(b) where the RVR is measured by only one of RVR "A" and RVR "B", the RVR for the runway of intended approach is less than the visibility set out in column II of the item for the approach conducted;

(c) where no RVR for the runway of intended approach is available, the runway visibility is less than the visibility set out in column II of the item for the approach conducted; or

(d) where the aerodrome is located south of the 60<sup>th</sup> parallel of north latitude and no RVR or runway visibility for the runway of intended approach is available, the ground visibility at the aerodrome where the runway is located is less than the visibility set out in column II of the item for the approach conducted.

**(2)** No person shall continue a non-precision approach or an APV unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane is equipped with

(i) if the flight crew does not use pilot-monitored-approach procedures, an autopilot capable of conducting a non-precision approach or an APV to 400 feet AGL or lower, or

(ii) a HUD capable of conducting a non-precision approach or an APV to 400 feet AGL or lower;

(c) the instrument approach procedure is conducted to straight-in minima; and

(d) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(3)** No person shall continue an SCDA non-precision approach unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) the aeroplane is equipped with

(i) if the flight crew does not use pilot-monitored-approach procedures, an autopilot capable of conducting a non-precision approach to 400 feet AGL or lower, or

(ii) a HUD capable of conducting a non-precision approach to 400 feet AGL or lower;

(c) the instrument approach procedure is conducted to straight-in minima with a final approach course that meets the requirements of Section 725.48 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*;

(d) the final approach segment is conducted using a stabilized descent with a planned constant descent angle specified in Section 725.48 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*; and

(e) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**(4)** No person shall continue a CAT I precision approach to a runway with centreline lighting or a CAT I precision approach in an aeroplane equipped with a HUD unless

(a) the air operator is authorized to do so in its air operator certificate;

(b) in the case of an aeroplane not equipped with a HUD,

(i) if the flight crew does not use pilot-monitored-approach procedures, the pilot-in-command and the second-in-command are qualified to conduct a CAT II precision approach,

(ii) the aeroplane is equipped with

(A) a flight director and autopilot capable of conducting a coupled precision approach to 200 feet AGL or lower, or

(B) if the flight crew uses pilot-monitored-approach procedures, a flight director

capable of conducting a precision approach to 200 feet AGL or lower, and

(iii) the runway is equipped with serviceable high-intensity approach lighting, high-intensity runway centreline lighting and high-intensity runway edge lighting;

(c) in the case of an aeroplane equipped with a HUD capable of conducting a precision approach to 200 feet AGL or lower,

(i) the pilot-in-command and the second-in-command are qualified to conduct a CAT II precision approach,

(ii) the aeroplane is equipped with a flight director and autopilot capable of conducting a coupled precision approach to 200 feet AGL or lower, and

(iii) the runway is equipped with serviceable high-intensity approach lighting and high-intensity runway edge lighting; and

(d) a visibility report indicates that

(i) the visibility is equal to or greater than that set out in subsection (1),

(ii) the RVR is varying between distances less than and greater than the minimum RVR set out in subsection (1), or

(iii) the visibility is less than the minimum visibility set out in subsection (1) and, at the time the visibility report is received, the aeroplane has passed the FAF inbound or, where there is no FAF, the point where the final approach course is intercepted.

**Table - Approach Bans - Visibility**

	Column I		Column II	
	<i>Canada Air Pilot Advisory Visibility</i>		<b>Visibility Report</b>	
<b>Item</b>	<b>Statute Miles</b>	<b>RVR in Feet</b>	<b>Statute Miles</b>	<b>Feet</b>
1.	1/2	2 600	1/4	1 200
2.	3/4	4 000	3/8	2 000
3.	1	5 000	1/2	2 600

4.	1 1/4		5/8	3 400
5.	1 1/2		3/4	4 000
6.	1 3/4		1	5 000
7.	2		1	5 000
8.	2 1/4		1 1/4	6 000
9.	2 1/2		1 1/4	greater than 6 000
10.	2 3/4		1 1/2	greater than 6 000
11.	3		1 1/2	greater than 6 000

[Amended 2006/12/01 - Previous Version Dated 2003/12/01]

[SOR/2006-199, s. 21.]

### **705.49 to 705.53 Reserved**

[Amended 2006/12/01 - Previous Version Dated 2003/12/01][Amended 2003/12/01 - Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

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## **Division IV - Aircraft Performance Operating Limitations**

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### **705.54 Exceptions**

A person may operate an aircraft without complying with the requirements of this Division if the person

(a) is authorized to do so in an air operator certificate; and

(b) complies with the *Commercial Air Service Standards*.

### **705.55 General Requirements**

Any determination made for the purposes of Sections 705.56 to 705.61 shall be based on approved performance data set out in the aircraft flight manual.

### **705.56 Take-off Weight Limitations**

- (1)** No person shall conduct a take-off in an aircraft if the weight of the aircraft
- (a) exceeds the maximum take-off weight specified in the aircraft flight manual for the pressure-altitude and the ambient temperature at the aerodrome where the take-off is to be made; or
  - (b) after allowing for planned fuel consumption during the flight to the destination aerodrome or alternate aerodrome, exceeds the landing weight specified in the aircraft flight manual for the pressure-altitude and the ambient temperature at the destination aerodrome or alternate aerodrome.
- (2)** In the determination of the maximum take-off weight referred to in subsection (1) for an aeroplane,
- (a) the required accelerate-stop distance shall not exceed the accelerate-stop distance available (ASDA);
  - (b) the required take-off run shall not exceed the take-off run available (TORA); and
  - (c) the required take-off distance shall not exceed the take-off distance available (TODA).
- (3)** For the purposes of subsection (2), the following factors shall be taken into account:
- (a) the pressure-altitude at the aerodrome;
  - (b) the ambient temperature;
  - (c) the runway slope in the direction of take-off; and
  - (d) not more than 50 per cent of the reported headwind component or not less than 150 per cent of the reported tailwind component.

### **705.57 Net Take-off Flight Path**

- (1)** No person shall conduct a take-off in an aeroplane if the weight of the aeroplane is greater than the weight specified in the aircraft flight manual as allowing a net take-off flight path that clears all obstacles by at least 35 feet vertically or at least 200 feet horizontally within the aerodrome boundaries, and by at least 300 feet horizontally outside those boundaries.
- (2)** In the determination of the maximum weight, minimum distances and flight path referred to



in subsection (1),

(a) corrections shall be made for

(i) the runway to be used,

(ii) the runway slope in the direction of take-off,

(iii) the pressure-altitude at the aerodrome,

(iv) the ambient temperature, and

(v) the wind component at the time of take-off, where not more than 50 per cent of the reported headwind component or not less than 150 per cent of the reported tailwind component is considered; and

(b) calculations shall be based on the pilot

(i) not banking the aeroplane before reaching an altitude of 50 feet,

(ii) subject to subsection (3), using 15 degrees or less of bank at or below 400 feet, and

(iii) using no more than 25 degrees of bank thereafter, aircraft speed and configuration permitting.

**(3)** A bank angle greater than the 15 degrees referred to in subparagraph (2)(b)(ii) may be used if it is authorized in an air operator certificate.

### **705.58 Enroute Limitations with One Engine Inoperative**

**(1)** No person shall conduct a take-off in an aeroplane if the weight of the aeroplane is greater than the weight that will allow the aeroplane to attain, with any engine inoperative, a net flight path that

(a) has a positive slope at 1,000 feet above all terrain and obstructions within five nautical miles on either side of the intended track, at all points along the route or planned diversion therefrom; or

(b) will permit flight from the cruising altitude to an aerodrome where the requirements of Section 705.60 can be complied with, and clears vertically, by at least 2,000 feet, all terrain and obstructions within five nautical miles on either side of the intended track.

(2) For the purposes of subsection (1), the following factors shall be taken into account after an engine failure:

(a) the effects of wind and temperature on the net flight path; and

(b) the effects of fuel jettisoning, where the jettisoning is conducted in accordance with procedures set out in the *Company Operations Manual* and sufficient fuel remains to complete a landing with the required fuel reserves.

#### **705.59 Enroute Limitations with Two Engines Inoperative**

(1) No person shall operate an aeroplane having three or more engines unless

(a) all points along the intended track are located at a distance that can be flown in 90 minutes or less, with all engines operating at cruise power, from an aerodrome where the requirements of Section 705.60 can be complied with; or

(b) the weight of the aeroplane is not greater than the weight that, according to the two-engines-inoperative enroute net flight path data shown in the aircraft flight manual, will allow the aeroplane to clear vertically, by at least 2,000 feet, all terrain and obstructions within five nautical miles on either side of the intended track, and thereafter to continue flight to an aerodrome where the requirements of Section 705.60 can be complied with.

(2) For the purposes of paragraph (1)(b), the following factors shall be taken into account after the failure of two engines:

(a) the effects of wind and temperature on the net flight path; and

(b) the effects of fuel jettisoning, where the jettisoning is conducted in accordance with procedures set out in the *Company Operations Manual* and sufficient fuel remains to arrive at the destination aerodrome at 1,500 feet AGL with a fuel reserve sufficient to fly for 15 minutes thereafter at cruise power.

#### **705.60 Dispatch Limitations: Landing at Destination and Alternate Aerodromes**

(1) Subject to subsection (3), no person shall dispatch or conduct a take-off in an aeroplane unless

(a) the weight of the aeroplane on landing at the destination aerodrome will allow a full-stop landing

(i) in the case of a turbo-jet-powered aeroplane, within 60 per cent of the

landing distance available (LDA), or

(ii) in the case of a propeller-driven aeroplane, within 70 per cent of the landing distance available (LDA); and

(b) the weight of the aeroplane on landing at the alternate aerodrome will allow a full-stop landing

(i) in the case of a turbo-jet-powered aeroplane, within 60 per cent of the landing distance available (LDA), and

(ii) in the case of a propeller-driven aeroplane, within 70 per cent of the landing distance available (LDA).

**(2)** In determining whether an aeroplane can be dispatched or a take-off can be conducted in accordance with subsection (1), the following shall be taken into account:

(a) the pressure-altitude at the destination aerodrome and at the alternate aerodrome;

(b) not more than 50 per cent of the reported headwind component or not less than 150 per cent of the reported tailwind component; and

(c) that the aeroplane must be landed on a suitable runway, considering the wind speed and direction, the ground handling characteristics of the aeroplane, and other conditions such as landing aids and terrain.

**(3)** Where conditions at the destination aerodrome at the time of take-off do not permit compliance with paragraph (2)(c), an aeroplane may be dispatched and a take-off conducted if the alternate aerodrome designated in the operational flight plan permits, at the time of take-off, compliance with paragraph (1)(b) and subsection (2).

#### **705.61 Dispatch Limitations: Wet Runway - Turbo-jet-powered Aeroplanes**

**(1)** Subject to subsection (2), when weather reports or forecasts indicate that the runway may be wet at the estimated time of arrival, no air operator shall dispatch or conduct a take-off in a turbo-jet-powered aeroplane unless the landing distance available (LDA) at the destination aerodrome is at least 115 per cent of the landing distance required pursuant to paragraph 705.60(1)(a).

**(2)** The landing distance available on a wet runway may be shorter than that required by subsection (1), but not shorter than that required by Section 705.60, if the aircraft flight manual includes specific information about landing distances on wet runways.

## 705.62 to 705.66 Reserved

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### Division V - Aircraft Equipment Requirements

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#### 705.67 General Requirements

No person shall operate an aircraft unless the aircraft is equipped with

- (a) two independent static pressure systems;
- (b) a windshield wiper or rain removal system for each pilot station;
- (c) heating or de-icing equipment for each carburetor or an alternate air source for each pressure carburetor or fuel injection system;
- (d) a placard on each door that provides passenger access to a passenger emergency exit, stating that the door must be secured or locked open during take-off and landing; and
- (e) a means for the crew, in an emergency, to unlock each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers.

#### 705.68 Landing Lights

No person shall operate an aircraft at night unless the aircraft is equipped with at least two landing lights.

#### 705.69 Operation of Aircraft in Icing Conditions

**(1)** When icing conditions are reported to exist or are forecast to be encountered along the route of flight, no person shall authorize a flight or its continuation or conduct a take-off or continue a flight in an aircraft, even if the pilot-in-command determines that the aircraft is adequately equipped to operate in icing conditions in accordance with paragraph 605.30(a), if, in the opinion of the pilot-in-command, the safety of the flight might be adversely affected.

**(2)** No person shall operate an aeroplane in icing conditions at night unless the aeroplane is equipped with a means to illuminate or otherwise detect the formation of ice.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 22.]

### **705.70 Weather Radar Equipment**

No person shall operate an aircraft with passengers on board in IMC when current weather reports or forecasts indicate that thunderstorms may reasonably be expected along the route to be flown, unless the aircraft is equipped with weather radar equipment.

### **705.71 Protective Breathing Equipment**

**(1)** No air operator shall operate a pressurized aircraft unless, at each station listed in paragraph (3)(b), protective breathing equipment with a 15-minute supply of breathing gas at a pressure-altitude of 8,000 feet is provided in accordance with this Section.

**(2)** The protective breathing equipment referred to in subsection (1) may be used to meet the crew member oxygen requirements specified in Section 605.31.

**(3)** protective breathing equipment shall be conveniently located and readily available

(a) with a fixed or portable breathing gas supply for use by each flight crew member on the flight deck; and

(b) with a portable breathing gas supply for use by crew members in combatting fires, as follows:

(i) one unit for use in each Class A, B and E cargo compartment that is accessible to crew members in the cabin during flight,

(ii) one unit for each hand-held fire extinguisher located in each isolated galley,

(iii) one unit on the flight deck,

(iv) one unit located within one metre of each hand-held fire extinguisher required in the passenger compartment by Section 705.93, except if the Minister has authorized the location of protective breathing equipment more than one metre from each hand-held fire extinguisher where special circumstances exist that make compliance with this subparagraph impractical and that location provides an equivalent level of safety, and

(v) the number of units of protective breathing equipment used to satisfy the requirements of this paragraph shall not be less than the number of flight attendants required for the flight.

### **705.72 First Aid Oxygen**

No air operator shall operate a pressurized aircraft with passengers on board unless the aircraft is equipped with oxygen dispensing units and an undiluted supply of first aid oxygen sufficient to provide two per cent of the occupants, and in any case at least one person, with oxygen for one hour or the entire duration of the flight at a cabin pressure-altitude above 8,000 feet, after an emergency descent following cabin depressurization, whichever period is longer.

### **705.73 Interphone System**

No person shall operate an aircraft unless the aircraft is equipped with an interphone system that can be operated independently of the public address system required by Section 705.74, except for handsets, headsets, microphones, selector switches and signalling devices.

### **705.74 Public Address System**

No person shall operate an aircraft with passengers on board unless the aircraft is equipped with a public address system that can be operated independently of the interphone system required by Section 705.73, except for handsets, headsets, microphones, selector switches and signalling devices.

### **705.75 Crew Member Shoulder Harnesses**

No person shall operate an aircraft unless each pilot seat and the seat for each flight attendant required under Section 705.201 is equipped with a safety belt that includes dual upper torso straps with a single-point release.

[Effective 2015/08/01 - Previous Version Dated 1996/10/10]

[SOR/2015-127, s. 16]

### **705.76 Lavatory Fire Protection**

No person shall operate an aircraft unless

(a) each lavatory in the aircraft is equipped with a smoke detector system or equivalent that provides

(i) a warning light in the cockpit, or

(ii) a warning light or audible warning in the passenger compartment that can be readily detected by a flight attendant, taking into consideration the positioning of flight attendants throughout the passenger compartment during the flight;

(b) each lavatory in the aircraft is equipped with a built-in fire extinguisher for each waste disposal receptacle that is installed in the lavatory, and each extinguisher is designed to

discharge automatically into the disposal receptacle on the occurrence of a fire in that receptacle;

(c) a readily visible sign that clearly displays a symbol indicating that smoking is prohibited or the words "No Smoking" and "Défense de fumer" is installed above the door handle on both sides of the door to each lavatory in the aircraft;

(d) a readily visible sign that clearly displays a symbol indicating that cigarette disposal is prohibited or the words "No Cigarette Disposal" and "Défense de jeter des cigarettes" is installed adjacent to the opening of each waste disposal receptacle that is located in a lavatory in the aircraft; and

(e) a self-contained, removable ashtray is installed on or near the outside of the door to each lavatory in the aircraft or in some other location or locations where it is readily visible to the users of each lavatory from outside the lavatory.

#### **705.77 Flammability Requirements for Aeroplane Seat Cushions**

No person shall operate an aeroplane for which an initial type certificate was issued after January 1, 1958 unless all passenger compartment seat cushions meet the standards respecting the fire protection of seat cushions set out in Chapter 525 of the *Airworthiness Manual*.

#### **705.78 Floor Proximity Emergency Escape Path Markings**

No person shall operate, with passengers on board, an aeroplane for which an initial type certificate was issued after January 1, 1958 unless the aeroplane is provided with floor proximity emergency escape path markings that meet the standards set out in Chapter 525 of the *Airworthiness Manual*.

#### **705.79 Flashlight Stowage**

No person shall operate an aircraft unless it is equipped with flashlight stowage provisions that are accessible from each required flight attendant seat.

#### **705.80 Doors and Locks**

**(1)** Subject to subsections (3) and (4), no person shall operate an aeroplane in respect of which an initial type certificate was issued after January 1, 1958 unless the aeroplane is equipped with

(a) in the case of a passenger-carrying aeroplane,

(i) a door between the flight deck and the passenger compartment, and

(ii) if the aeroplane is equipped with a crew rest facility having an entry from the flight deck and a separate entry from the passenger compartment, a door between the crew rest facility and the passenger compartment; and

(b) in the case of an all-cargo aeroplane that was equipped with a flight deck door on January 15, 2002,

(i) a door between the flight deck and a compartment occupied by a person, and

(ii) if the aeroplane is equipped with a crew rest facility having an entry from the flight deck and a separate entry from a compartment occupied by a person, a door between the crew rest facility and the compartment.

**(2)** The doors required by subsection (1) shall be equipped with a locking device that can be unlocked only from inside the flight deck or the crew rest facility, as the case may be.

**(3)** A key shall be readily available to each crew member for each door that separates a passenger compartment or a compartment occupied by a person from an emergency exit, with the exception of a door required by subsection (1).

**(4)** No crew member, except a flight crew member, shall have a key to a door required under subsection (1) at any time from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival unless the locking device required by subsection (2) is installed and locked.

**(5)** No person shall operate an aeroplane that is required by subsection (1) to be equipped with a door unless

(a) each door meets the design requirements of Section 525.795 of the *Airworthiness Manual* in effect on May 1, 2002; and

(b) the locking device referred to in subsection (2) and any other system used to control access to the flight deck can be operated from each flight crew member position.

[Amended 2003/04/09 Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

[SOR/2002-135, s. 3; SOR/2003-121, s. 4.]

### **705.81 Cargo and Baggage Compartment Fire Protection**

After June 1, 2004, no person shall operate a transport category aeroplane in respect of which an initial type certificate was issued after January 1, 1958 unless each cargo or baggage compartment of the aeroplane meets the requirements set out in Section 725.81 of Standard



## 725 - Airline Operations - Aeroplanes of the *Commercial Air Services Standards*.

[Amended 2003/12/01 - Previous Version Dated 2002/03/21]

[SOR/2003-361, s. 1.]

### **705.82 Pitot Heat Indication System**

After June 30, 2008, no person shall conduct a take-off in a transport category aeroplane, or in a non-transport category aeroplane in respect of which a type certificate was issued after December 31, 1964, that is equipped with a flight instrument Pitot heating system unless the aeroplane is also equipped with a Pitot heat indication system that meets the requirements of Section 525.1326 of Chapter 525 - Transport Category Aeroplanes of the *Airworthiness Manual*.

[Amended 2007/06/30 - Previous Version Dated 2003/12/01]

[SOR/2007-78, s. 3.]

### **705.83 ACAS**

**(1)** Subject to subsection (4), no air operator shall operate a turbine-powered aeroplane in airspace outside RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(2)** Subject to subsection (4), no air operator shall operate an aeroplane that is not a turbine-powered aeroplane in airspace outside RVSM airspace unless the aeroplane is equipped with an operative ACAS that

(a) meets the requirements of CAN-TSO-C118 or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; or

(b) meets the requirements of CAN-TSO-C119a or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides and is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(3)** Subject to subsection (4), no air operator shall operate an aeroplane referred to in subsection (1) or (2) in RVSM airspace unless the aeroplane is equipped with an operative ACAS

that

(a) meets the requirements of CAN-TSO-C119b or a more recent version of it or other requirements that the Minister has accepted as providing a level of safety that is at least equivalent to the level that that CAN-TSO provides; and

(b) is equipped with a Mode S transponder that meets the requirements of CAN-TSO-C112 or a more recent version of it.

**(4)** The air operator may operate the aeroplane without its being equipped with an operative ACAS if

(a) where a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the date of failure of the ACAS; or

(b) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the ACAS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(5)** This Section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until two years after that day.

[Amended 2009/12/01 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30]

[SOR/2007-133, s. 9; SOR/2009-280, ss. 37, 38(E), 39 to 42.]

## **705.84 TAWS**

**(1)** Subject to subsection (2), no air operator shall operate an aeroplane unless the aeroplane is equipped with an operative TAWS that

(a) meets the requirements for Class A equipment set out in CAN-TSO-C151a or a more recent version of it;

(b) meets the altitude accuracy requirements set out in Section 551.102 of Chapter 551 of the *Airworthiness Manual*; and

(c) has a terrain and airport database compatible with the area of operation and a terrain awareness and situational display.

**(2)** The air operator may operate the aeroplane without its being equipped with an operative TAWS if

(a) in the event that a minimum equipment list has not been approved by the Minister and subject to subsection 605.08(1), the operation takes place within the three days after the day on which the failure of the TAWS occurs; or

(b) it is necessary for the pilot-in-command to deactivate, in the interests of aviation safety, the TAWS or any of its modes and the pilot-in-command does so in accordance with the aircraft flight manual, aircraft operating manual, flight manual supplement or minimum equipment list.

**(3)** This section does not apply in respect of aeroplanes manufactured on or before the day on which this section comes into force until the day that is two years after that day.

[Amended 2020/12/09 - Previous Version Dated 2012/07/04][Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 2003/12/01][Amended 2003/12/01 - Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

[SOR/2012-136, s. 13; SOR/2020-253, s. 17.]

### **705.85 to 705.88 Reserved**

[Amended 2012/07/04 - Previous Version Dated 2007/07/01][Amended 2007/07/01 - Previous Version Dated 2007/06/30][Amended 2007/06/30 - Previous Version Dated 2003/12/01][Amended 2003/12/01 - Previous Version Dated 2002/03/21][Amended 2002/03/21 - Previous Version Dated 1996/10/10]

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## **Division VI - Emergency Equipment**

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### **705.89 Megaphones**

No person shall operate, with passengers on board, an aeroplane for which a type certificate has been issued authorizing the transport of 60 or more passengers, unless the following number of portable battery-powered megaphones are carried on board the aeroplane and are conveniently located and readily available for use by the flight attendants:

(a) for each passenger deck, at least one megaphone;

(b) 61 to 99 passenger seats, one megaphone; and

(c) 100 or more passenger seats, two megaphones.

### **705.90 First Aid Kits**

**(1)** No person shall conduct a take-off in an aircraft operated by an air operator that is configured as follows unless, for the purposes of paragraph 602.60(1)(h), the corresponding number of first aid kits is carried on board and each kit contains the supplies and equipment set

out in the *Aviation Occupational Health and Safety Regulations*:

- (a) configured for 0 to 50 passenger seats, one kit;
- (b) configured for 51 to 150 passenger seats, two kits;
- (c) configured for 151 to 250 passenger seats, three kits; and
- (d) configured for 251 or more passenger seats, four kits.

**(2)** No person shall conduct a take-off in an aircraft operated by an air operator unless

- (a) the first aid kits referred to in subsection (1) are distributed throughout the cabin and are readily available to crew members and passengers;
- (b) each first aid kit is clearly identified; and
- (c) if a first aid kit is stowed in a bin or compartment, the bin or compartment is clearly marked as containing a first aid kit.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 18.]

### **705.91 Emergency Medical Kit**

No person shall operate an aircraft that has a seating configuration, excluding crew seats, of more than 100 unless an emergency medical kit that meets the *Commercial Air Service Standards* is carried on board the aircraft.

### **705.92 Crash Axe**

No person shall operate an aircraft unless a crash axe is carried on board the aircraft.

### **705.93 Hand-held Fire Extinguishers**

**(1)** No person shall operate an aircraft unless hand-held fire extinguishers for use in the flight deck, passenger compartment and cargo compartment are carried on board the aircraft.

**(2)** The type and quantity of extinguishing agent shall be suitable for extinguishing fires that are likely to occur in the flight deck, passenger compartment or cargo compartment where the extinguisher is intended to be used and, in the case of the extinguishing agent for extinguishers intended to be used in the passenger compartment, shall be designed to minimize the hazard of toxic gas concentrations.

- (3)** At least one hand-held fire extinguisher shall be conveniently located and readily available for immediate use in each class E cargo compartment that is accessible to crew members during flight, and at least one hand-held fire extinguisher shall be located in each isolated galley.
- (4)** At least one hand-held fire extinguisher shall be conveniently located on the flight deck and readily available for immediate use by the flight crew members.
- (5)** The following number of hand-held fire extinguishers shall be conveniently located, readily available for immediate use and uniformly distributed throughout the passenger compartment on each deck:
- (a) 60 or fewer passenger seats, two extinguishers;
  - (b) 61 to 200 passenger seats, three extinguishers;
  - (c) 201 or more passenger seats, one extra extinguisher for each additional unit of 100 passenger seats.
- (6)** At least two hand-held fire extinguishers shall contain Halon 1211 (bromochlorodifluoromethane) or its equivalent.
- (7)** A stowage compartment or stowage container that contains a hand-held fire extinguisher shall be clearly marked as to its contents.

#### **705.94 Portable Oxygen**

No person shall operate a pressurized aircraft above FL250 unless

- (a) there is readily available to each flight attendant on board portable oxygen equipment with a 15-minute supply of oxygen; or
- (b) sufficient portable oxygen units with masks, or spare outlets and masks, to ensure an immediate supply of oxygen to each flight attendant are distributed throughout the cabin.

#### **705.95 Survival Equipment**

- (1)** No air operator shall operate an aircraft, other than an aircraft referred to in subsection 602.61(2), unless a survival manual is carried on board that contains information about how to use the survival equipment that is carried on board to meet the requirements of subsection 602.61(1).

**(2)** No air operator shall operate an aircraft on board of which life rafts are required to be carried in accordance with Section 602.63 unless the survival kit referred to in paragraph 602.63(6)(c) contains

- (a) a life raft repair kit;
- (b) a bailing bucket and a sponge;
- (c) a whistle;
- (d) a waterproof flashlight;
- (e) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person;
- (f) a waterproof survival manual that contains information about how to use the survival equipment;
- (g) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and motion sickness pills; and
- (h) a pyrotechnic signalling device, or an aviation visual distress signal that has a marking applied by the manufacturer indicating that the signal meets the requirements of CAN-TSO-C168, a signalling mirror and a dye marker for visually signalling distress.

**(3)** Despite subsection (2), if there is insufficient space in the attached survival kit, a supplemental survival kit shall be stowed adjacent to each required life raft and contain

- (a) a supply of potable water - based on 500 mL per person and calculated using the rated capacity of the life raft - or a means of desalting or distilling salt water that can provide 500 mL of potable water per person; and
- (b) motion sickness pills.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 19.]

### **705.96 Inspection Requirements**

No air operator shall operate an aircraft unless the emergency equipment carried on board under Division II of Subpart 2 of Part VI and this Division is inspected at the intervals recommended by the equipment manufacturer.

[Amended 2020/12/09 - Previous Version Dated 1996/10/10]

[SOR/2020-253, s. 19.]

### **705.97 Flashlights**

Each flight attendant required under Section 705.201 shall have a flashlight readily available for use.

[Effective 2015/08/01 - Previous Version Dated 1996/10/10]

[SOR/2015-127, s. 17]

### **705.98 to 705.102 Reserved**

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## **Division VII - Personnel Requirements**

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### **705.103 Designation of Pilot-in-command and Second-in-command**

An air operator shall designate for each flight a pilot-in-command and a second-in-command.

### **705.104 and 705.105 Reserved**

[Effective 2015/08/01 - Previous Version Dated 1996/10/10]

[SOR/2015-127, s. 18]

### **705.106 Pilot Qualifications**

**(1)** Subject to subsection (3), no air operator shall permit a person to act and no person shall act as the pilot-in-command, second-in-command or cruise relief pilot of an aircraft unless the person

(a) holds the licence, ratings and endorsements required by Part IV;

(b) within the previous 90 days,

(i) has completed at least three take-offs and three landings as the pilot at the controls and one sector assigned to duty as a flight crew member in an aircraft of that type,

(ii) has completed five sectors assigned to duty as a flight crew member in an aircraft of that type, or

(iii) has fulfilled the training requirements set out in the *Commercial Air Service Standards*;

(c) has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*;

(d) has successfully completed or is undergoing a line check or line indoctrination training, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*; and

(e) has fulfilled the requirements of the air operator's training program.

**(2)** A pilot who does not meet the requirements of subparagraph (1)(b)(i) or (ii) shall regain competency in accordance with the *Commercial Air Service Standards*.

**(3)** An air operator may permit a person to act and a person may act as the pilot-in-command or second-in-command of an aircraft where the person does not meet the requirements of subsection (1), if

(a) the aircraft is operated on a training, ferry or positioning flight; or

(b) the air operator

(i) is authorized to do so in its air operator certificate, and

(ii) complies with the *Commercial Air Service Standards*.

**(4)** A pilot shall, on successful completion of a pilot proficiency check, meet the requirements of the consolidation period in accordance with the *Commercial Air Service Standards*.

### **705.107 Flight Engineer and Second Officer Qualifications**

**(1)** Subject to subsection (2), no air operator shall permit a person to act and no person shall act as a flight engineer or a second officer on board an aircraft unless

(a) the person holds the licence and endorsements required by Part IV;

(b) the air operator has determined, by means of a check in flight or in a flight simulator that has been approved by the Minister under Subpart 6 of Part VI, that the person meets the *Commercial Air Service Standards* for that type of aircraft, or the person has, within the previous six months, completed at least 50 hours of flight time as a flight engineer on an aircraft of that type;

(c) the person has successfully completed or is undergoing line indoctrination training for that type of aircraft, in accordance with the *Commercial Air Service Standards*; and



(d) the person has fulfilled the requirements of the air operator's training program.

**(2)** A person who is qualified to act as a pilot-in-command or a second-in-command in accordance with Section 705.106 may act as a second officer on board an aircraft during the cruise portion of a flight, if

(a) the person has received initial and annual recurrent training in normal and emergency procedures pertaining to the cruise portion of the flight, in accordance with the *Commercial Air Service Standards*; and

(b) the air operator has determined, by means of a check, that the person meets the *Commercial Air Service Standards* for that type of aircraft.

### **705.108 Crew Pairing**

No air operator shall assign a pilot-in-command and a second-in-command to an aircraft unless their combined experience on that type of aircraft meets the *Commercial Air Service Standards*.

### **705.109 Flight Attendant Qualifications**

**(1)** No air operator shall permit a person to act and no person shall act as a flight attendant on board an aircraft unless the person

(a) has successfully completed the air operator's training program, except that a person may act as a flight attendant while undergoing line indoctrination training if the person is carried in addition to the number of flight attendants required under Section 705.201 and is under the supervision of a flight attendant;

(b) has successfully completed line indoctrination training within 90 days after completing the air operator's training program or has regained competency in accordance with the *Flight Attendant Training Standard*; and

(c) holds a certificate or certification in first aid in accordance with the *Aviation Occupational Health and Safety Regulations*.

**(2)** A person who has not completed line indoctrination training within the period specified in paragraph (1)(b) shall requalify in accordance with the *Flight Attendant Training Standard*.

[Effective 2020/12/09 - Previous Version Dated 2015/08/01][Effective 2015/08/01 - Previous Version Dated 1996/10/10]

[SOR/2015-127, s. 19; SOR/2020-253, s. 20.]

### **705.110 Flight Dispatcher Qualifications**

(1) No air operator shall permit a person to act and no person shall act as a flight dispatcher unless the person has fulfilled the requirements of the air operator's training program and, after June 1, 1998, holds a flight dispatcher certificate.

(2) An air operator shall notify the Minister whenever a flight dispatcher certificate is issued or becomes invalid.

### **705.111 Route and Aerodrome Qualifications**

No air operator shall permit a person to act and no person shall act as the pilot-in-command of an aircraft on a flight along a route or into an aerodrome unless

(a) within the previous 12 months, the person has acted as a flight crew member or has been on the flight deck as an observer on a flight along that route and into that aerodrome; or

(b) the person has received training and demonstrated adequate knowledge, in accordance with the *Commercial Air Service Standards*.

### **705.112 Check Authority**

(1) A pilot proficiency check shall be conducted by the Minister.

(2) Any other check required under this Subpart may be conducted by the Minister.

### **705.113 Validity Period**

(1) Subject to subsections (4) and (5), the validity period of a line check and of the training referred to in Section 705.124 expires on the first day of the thirteenth month following the month in which the check or training was completed.

(2) Subject to subsections (4) and (5), the validity period of a pilot proficiency check expires

(a) on the first day of the seventh month following the month in which the check was completed;

(b) on the first day of the thirteenth month following the month in which the check was completed, where the pilot successfully completes the six-month recurrency training that has been approved by the Minister, in accordance with the *Commercial Air Service Standards*, as a substitute for the pilot proficiency check and that is identified in the *Company Operations Manual*; or

(c) at the end of the validation period, where the air operator has an operations specification authorizing an advanced qualification program in accordance with the *Commercial Air Service Standards* and the pilot completes a proficiency evaluation within the evaluation period authorized for the air operator in the operations specification.

**(3)** The validity period of a flight dispatcher competency check expires on the first day of the thirteenth month following the month in which the check was completed.

**(4)** Where a pilot proficiency check, a flight dispatcher competency check, a line check or training is renewed within the last 90 days of its validity period, its validity period is extended by six or 12 months, as appropriate.

**(5)** The Minister may extend the validity period of a pilot proficiency check, a flight dispatcher competency check, a line check or any training by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.

**(6)** Subject to subsection (7), where the validity period of a pilot proficiency check, a line check, or annual or semi-annual training has been expired for 24 months or more, the person shall requalify by meeting the training requirements specified in the *Commercial Air Service Standards*.

**(7)** Where the validity period of a flight dispatcher competency check or annual training has been expired for 12 months or more, the person shall requalify by meeting the training requirements specified in the *Commercial Air Service Standards*.

### **705.114 to 705.123 Reserved**

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## **Division VIII - Training**

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### **705.124 Training Program**

**(1)** Every air operator shall establish and maintain a training program that is

(a) designed to ensure that each person who receives training acquires the competence to perform the person's assigned duties; and

(b) approved by the Minister in accordance with the *Commercial Air Service Standards* and, in respect of flight attendants, in accordance with the *Commercial Air Service Standards* and the *Flight Attendant Training Standard*.

**(2)** An air operator's training program shall include

(a) for flight crew members:

- (i) company indoctrination training,
- (ii) line indoctrination training,
- (iii) upgrading training, where applicable, and
- (iv) initial and annual training, including
  - (A) aircraft type training,
  - (B) aircraft servicing and ground handling training,
  - (C) emergency procedures training, and
  - (D) aircraft surface contamination training;

(b) for flight attendants:

- (i) aviation indoctrination,
- (ii) line indoctrination training,
- (iii) in-charge training, where applicable, and
- (iv) initial and annual training, including
  - (A) safety procedures training,
  - (B) aircraft type training,
  - (C) emergency procedures training, and
  - (D) aircraft surface contamination training,
  - (E) Repealed

(c) for flight dispatchers:

- (i) initial and annual aircraft type training,

(ii) on-the-job training, and

(iii) aircraft cockpit familiarization training;

(d) initial and annual aircraft surface contamination training for those operations personnel designated in the *Commercial Air Service Standards*; and

(e) any other training required to ensure a safe operation under this Subpart.

**(3)** An air operator shall

(a) include a detailed syllabus of its training program in its *Company Operations Manual*;

(b) ensure that adequate facilities and qualified personnel are provided for its training program, in accordance with the *Commercial Air Service Standards*; and

(c) establish and maintain a safety awareness program concerning the adverse effects of aircraft surface contamination and provide the program to all flight operations personnel who are not required to undergo the training described in paragraph (2)(d).

**(4)** An air operator shall have a fatigue management training program for its flight crew members that contains

(a) personal fatigue management strategies relating to

(i) sleep hygiene,

(ii) lifestyle, exercise and diet, and

(iii) the consumption of alcohol and drugs;

(b) the impact of fatigue on aviation safety;

(c) sleep requirements and the science relating to fatigue;

(d) the causes and consequences of fatigue;

(e) how to recognize fatigue in themselves and in others;

(f) sleep disorders, their impact on aviation safety and treatment options; and

(g) human and organizational factors that may cause fatigue, including

- (i) sleep quality and duration,
- (ii) the impact of shift work and overtime,
- (iii) the circadian rhythm, and
- (iv) the effects of changes of time zones.

[Effective 2020/12/09 - Previous Version Dated 2018/12/12][Effective 2018/12/12 - Previous Version Dated 1996/10/10]

[SOR/2018-269, s. 17; SOR/2020-253, s. 21.]

### **705.125 Conditional Approval of Training Program**

**(1)** The Minister may give conditional approval to a training program where an air operator submits to the Minister a copy of a syllabus of its training program that provides enough information for a preliminary evaluation of the training program in light of the *Commercial Air Service Standards*.

**(2)** An air operator may conduct training under a training program that has received conditional approval until the Minister has evaluated the effectiveness of the training program and has informed the air operator of any deficiencies that must be corrected.

**(3)** The Minister shall give final approval to a conditionally approved training program when the air operator demonstrates that the training conducted under that program is adequate to permit the persons who receive it to safely perform their assigned duties and when any identified deficiencies have been corrected.

### **705.126 Cabin Emergency Evacuation Trainer**

An air operator may conduct emergency training and testing on a cabin emergency evacuation trainer, rather than on an aircraft, if the trainer has been approved by the Minister in accordance with the *Commercial Air Service Standards*.

### **705.127 Training and Qualification Records**

**(1)** Every air operator shall, for each person who is required to receive training under this Subpart, establish and maintain a record of

- (a) the person's name and, where applicable, personnel licence number, type and ratings;
- (b) if applicable, the person's medical category and the expiry date of that category;
- (c) the dates on which the person, while in the air operator's employ, successfully

completed any training, pilot proficiency check or examination required under this Subpart or obtained any qualification required under this Subpart;

(d) information relating to any failure of the person, while in the air operator's employ, to successfully complete any training, pilot proficiency check or examination required under this Subpart or to obtain any qualification required under this Subpart; and

(e) the type of aircraft or flight training equipment used for any training, pilot proficiency check, line check or qualification required under this Subpart.

**(2)** An air operator shall retain the records referred to in paragraphs (1)(c) and (d) and a record of each pilot proficiency check for at least three years.

**(3)** An air operator shall keep a master copy of each examination on file and make it available for review by the Minister for a period of not less than three years.

[Amended 2009/05/28 - Previous Version Dated 1996/10/10]

[SOR/2009-152, s. 23.]

## **705.128 to 705.133 Reserved**

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### **Division IX - Manuals**

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#### **705.134 Requirements Relating to Company Operations Manual**

**(1)** Every air operator shall establish and maintain a *Company Operations Manual* that meets the requirements of Section 705.135.

**(2)** An air operator shall submit its *Company Operations Manual*, and any amendments to that manual, to the Minister.

**(3)** Where there is a change in any aspect of an air operator's operation or where the *Company Operations Manual* no longer meets the *Commercial Air Service Standards*, the air operator shall amend its *Company Operations Manual*.

**(4)** The Minister shall, where the *Commercial Air Service Standards* are met, approve those parts of a *Company Operations Manual*, and any amendments to those parts, that relate to the information required by Section 705.135.

#### **705.135 Contents of Company Operations Manual**

(1) A *Company Operations Manual*, which may be issued in separate parts corresponding to specific aspects of an operation, shall include the instructions and information necessary to enable the personnel concerned to perform their duties safely and shall contain the information required by the *Commercial Air Service Standards*.

(2) A *Company Operations Manual* shall be such that

- (a) all parts of the manual are consistent and compatible in form and content;
- (b) the manual can be readily amended;
- (c) the manual contains an amendment control page and a list of the pages that are in effect; and
- (d) the manual has the date of the last amendment to each page specified on that page.

#### **705.136 Distribution of Company Operations Manual**

(1) Subject to subsection (2), an air operator shall provide a copy of the appropriate parts of its *Company Operations Manual*, including any amendments to those parts, to each of its crew members and to its ground operations and maintenance personnel.

(2) An air operator may place a copy of the appropriate parts of its *Company Operations Manual* in each aircraft that it operates, instead of providing a copy to each crew member, if all amendments to the manual are included in the system for the dissemination of general operational information referred to in Section 705.18.

(3) Every person who has been provided with a copy of the appropriate parts of a *Company Operations Manual* pursuant to subsection (1) shall keep it up to date with the amendments provided and shall ensure that the appropriate parts are accessible when the person is performing assigned duties.

#### **705.137 Aircraft Operating Manual**

(1) An air operator may establish and maintain an aircraft operating manual for the use and guidance of crew members in the operation of its aircraft.

(2) An aircraft operating manual shall contain

- (a) the aircraft operating procedures; and
- (b) where the aircraft flight manual is not carried on board the aircraft, the aircraft



performance data and limitations specified in the aircraft flight manual, which shall be clearly identified as aircraft flight manual requirements.

**(3)** An air operator that has established an aircraft operating manual shall submit a copy of the manual, and any amendments to that manual, to the Minister for approval.

**(4)** The Minister shall approve an aircraft operating manual, and any amendments to that manual, where the *Commercial Air Service Standards* are met.

**(5)** An air operator that has established an aircraft operating manual shall ensure that a copy of the manual is carried on board each aircraft to which it relates.

### **705.138 Standard Operating Procedures**

**(1)** Every air operator shall, for each of its aircraft, establish and maintain standard operating procedures that enable the crew members to operate the aircraft within the limitations specified in the aircraft flight manual, and that meet the *Commercial Air Service Standards*.

**(2)** An air operator shall submit a copy of its aircraft standard operating procedures, and any amendments to those procedures, to the Minister.

**(3)** An air operator shall ensure that a copy of the standard operating procedures for an aircraft is carried on board the aircraft.

**(4)** Where an air operator has established an aircraft operating manual, the standard operating procedures for the aircraft shall form part of that manual.

### **705.139 Flight Attendant Manual**

**(1)** Every air operator, other than an air operator that is authorized solely for the transport of cargo in its air operator certificate, shall establish and maintain, as part of its *Company Operations Manual*, a flight attendant manual for the use and guidance of flight attendants in the operation of its aircraft.

**(2)** A flight attendant manual shall contain the instructions and information necessary to enable flight attendants to perform their duties safely and shall contain the information required by the *Flight Attendant Manual Standard*.

**(3)** The Minister shall, where the *Flight Attendant Manual Standard* is met, approve those parts of a flight attendant manual, and any amendments to those parts, that relate to the safety and emergency information contained in Part A of the *Flight Attendant Manual Standard*.

**(4)** An air operator shall provide a copy of its flight attendant manual, including any amendments to that manual, to each of its flight attendants.

**(5)** Every flight attendant who has been provided with a copy of a flight attendant manual pursuant to subsection (4) shall keep it up to date with the amendments provided and shall ensure that the appropriate parts are accessible when the flight attendant is performing assigned duties on board an aircraft.

### **705.140 to 705.150 Reserved**

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

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## **Division X - Safety Management System**

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[Amended 2005/05/31 - No Previous Version]

### **705.151 Requirements**

The safety management system required under Section 107.02 in respect of an applicant for, or a holder of, an air operator certificate shall

- (a) meet the requirements of Subpart 7 of Part I and Section 705.152;
- (b) be under the control of the operations manager appointed under paragraph 700.09(1)(a); and
- (c) cover the maintenance control activities undertaken under Subpart 6.

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 24.]

### **705.152 Components of the Safety Management System**

**(1)** The safety management system shall include, among others, the following components:

- (a) a safety management plan that includes
  - (i) a safety policy that the accountable executive has approved and communicated to all employees,
  - (ii) the roles and responsibilities of personnel assigned duties under the quality assurance program established under Section 706.07 or the safety management system,

- (iii) performance goals and a means of measuring the attainment of those goals,
  - (iv) a policy for the internal reporting of a hazard, an incident or an accident, including the conditions under which immunity from disciplinary action will be granted, and
  - (v) a review of the safety management system to determine its effectiveness;
- (b) procedures for reporting a hazard, an incident or an accident to the appropriate manager;
- (c) procedures for the collection of data relating to hazards, incidents and accidents;
- (d) procedures for analysing data obtained under paragraph (c) and during an audit conducted under subsection 706.07(3) and for taking corrective actions;
- (e) an audit system referred to in subsection 706.07(3);
- (f) training requirements for the operations manager, the maintenance manager and personnel assigned duties under the safety management system; and
- (g) procedures for making progress reports to the accountable executive at intervals determined by the accountable executive and other reports as needed in urgent cases.
- (2)** The components specified in subsection (1) and the components of the safety management system that are required under Section 107.03 shall be set out in
- (a) the *Company Operations Manual* of the applicant for, or the holder of, an air operator certificate; and

- (b) the maintenance control manual (MCM) of the holder of an air operator certificate.

[Effective 2019/08/08 - Previous Version Dated 2005/05/31][Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 24; SOR/2019-295, s. 17.]

### **705.153 Person Managing the Safety Management System**

The person managing the safety management system shall

- (a) establish and maintain a reporting system to ensure the timely collection of information related to hazards, incidents and accidents that may adversely affect safety;
- (b) identify hazards and carry out risk management analyses of those hazards;
- (c) investigate, analyze and identify the cause or probable cause of all hazards, incidents and

accidents identified under the safety management system;

(d) establish and maintain a safety data system, either by electronic or by other means, to monitor and analyze trends in hazards, incidents and accidents;

(e) monitor and evaluate the results of corrective actions with respect to hazards, incidents and accidents;

(f) monitor the concerns of the civil aviation industry in respect of safety and their perceived effect on the air operator;

(g) determine the adequacy of the training required by paragraph 705.152(1)(f); and

(h) where the operations manager has assigned the management functions for the safety management system under subsection 705.03(3) to another person, report to the operations manager the hazards, incidents and accidents identified under the safety management system or as a result of an audit required under subsection 706.07(3).

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 24.]

### **705.154 Holder of More Than One Certificate**

The holder of an air operator certificate issued under Section 705.07 who is also the holder of an approved maintenance organization (AMO) certificate issued under Section 573.02, shall adhere to the requirements referred to in Section 573.30 with respect to a safety management system when undertaking maintenance control activities under Subpart 6.

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 24.]

### **705.155 to 705.170 Reserved**

[Amended 2009/06/10 - No Previous Version]

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## **Division XI - Interference With a Crew Member**

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[Effective 2015/08/30 - Previous Version dated 2009/06/10][Amended 2009/06/10 - No Previous Version]

[SOR/2015-160, s. 31(E)]

### **705.171 Interpretation**

In this Division,

"interference with a crew member" - means any action or statement set out in the levels listed in Section 705.175 by a person on board or about to board an aircraft that distracts a crew member from their assigned safety responsibilities or prevents the crew member from carrying out those responsibilities; (*entrave au travail d'un membre d'équipage*)

"operational personnel" - means an air operator's employees whose duties require that they interact directly with persons on board or about to board an aircraft, and includes crew members, gate and check-in staff and their immediate supervisors. (*personnel d'exploitation*)

[Effective 2015/08/30 - Previous Version dated 2009/06/10][Amended 2009/06/10 - No Previous Version]

[SOR/2009-90, s. 4; SOR/2015-160, s. 32]

### **705.172 Preventing and Managing Incidents of Interference with a Crew Member**

An applicant for an air operator certificate shall set out in the *Company Operations Manual* and in their flight attendant manual the procedures established to prevent and manage incidents of interference with a crew member covering the topics set out in Section 725.172 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*.

[Effective 2019/08/08 - Previous Version Dated 2009/06/10][Amended 2009/06/10 - No Previous Version]

[SOR/2009-90, s. 4; SOR/2015-160, s. 33(F); SOR/2019-295, s. 18.]

### **705.173 Training**

An air operator shall provide initial and annual training to all operational personnel that covers the topics set out in subsection 725.124(56) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards* for the purpose of enabling

- (a) the recognition, prevention and management of behaviour that could reasonably be expected to lead to an incident of interference with a crew member;
- (b) the recognition, prevention and management of incidents of interference with a crew member; and
- (c) the knowledge of post-flight procedures related to incidents of interference with a crew member.

[Effective 2015/08/30 - Previous Version dated 2009/06/10][Amended 2009/06/10 - No Previous Version]

[SOR/2009-90, s. 4; SOR/2015-160, s. 34]

### **705.174 Reporting Incidents of Interference with a Crew Member**

**(1)** An applicant for an air operator certificate shall set out in the company operations manual

and in their flight attendant manual the procedures established to ensure that level 2, level 3 and level 4 incidents of interference with a crew member are reported to them and to allow for the reporting of a level 1 incident.

**(2)** Repealed.

**(3)** A report of an incident of interference with a crew member shall contain the information set out in Section 725.174 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*.

**(4)** An air operator shall ensure that reports are retained for a period of three years after the date of the incident and are made available to the Minister on request.

**(5)** An air operator shall submit to the Minister statistics relating to incidents of interference with a crew member, the content of which is set out in Section 725.174 of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards*, every six months.

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[SOR/2009-90, s. 4; SOR/2015-160, s. 35(F); SOR/2019-295, s. 19.]

### **705.175 Levels of Interference with a Crew Member**

The levels of interference with a crew member are as follows:

(a) a level 1 incident, which is an incident of a minor nature that either requires no action of the crew member beyond heightened awareness or is quickly resolved by a crew member, and which includes but is not limited to

- (i) the use of unacceptable language towards a crew member,
- (ii) unacceptable behaviour towards a crew member, and
- (iii) a display of suspicious behaviour;

(b) a level 2 incident, which is an incident of a moderate nature that is resolved by a crew member only after some difficulty and which includes but is not limited to

- (i) the repetition of a level 1 incident,
- (ii) the continuation of a level 1 incident that was unresolved,
- (iii) the repeated failure of a passenger to comply with a crew member's safety instructions, and

(iv) belligerent, obscene or lewd behaviour towards a crew member;

(c) a level 3 incident, which is an incident where the safety of passengers or crew members is seriously threatened and which includes but is not limited to

(i) threatening a person on board or about to board the aircraft or making threats in an attempt to board the aircraft,

(ii) the continuation of a level 2 incident that was unresolved,

(iii) tampering with any emergency or safety equipment on board the aircraft,

(iv) deliberate damage of any part of the aircraft or any property on board the aircraft,

(v) injuring a person on board the aircraft, and

(vi) violent, argumentative, threatening, intimidating or disorderly behaviour, including harassment and assault; and

(d) a level 4 incident, which is an incident that constitutes a security threat and which includes but is not limited to

(i) an attempted or unauthorized intrusion into the flight deck,

(ii) a credible threat of death or serious bodily injury in an attempt to gain control over the aircraft,

(iii) the display or use of a weapon,

(iv) the sabotage of, or the attempt to sabotage, an aircraft that renders it incapable of flight or that is likely to endanger its safety in flight,

(v) any attempt to unlawfully seize control of the aircraft, and

(vi) an incident that is required to be reported under Section 543 of the *Canadian Aviation Security Regulations, 2012*.

[Effective 2021/06/17 - Previous Version dated 2015/08/30][Effective 2015/08/30 - Previous Version dated 2009/06/10][Amended 2009/06/10 - No Previous Version]

[SOR/2009-90, s. 4; SOR/2015-160, s. 36; SOR/2021-152, s. 11.]

### **705.176 to 705.199 Reserved**

[Effective 2015/08/01 - No Previous Version]

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## Division XII - Flight Attendants and Emergency Evacuation

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[Effective 2015/08/01 - No Previous Version]

### 705.200 Interpretation

**(1)** For the purposes of this Division and subject to subsection (2), “model” means “aircraft master series” as described in Section 3.7 of version 1.3 of the document entitled *International Standard for Aircraft Make, Model, and Series Groupings*, dated October 2012 and published by the Common Taxonomy Team of the International Civil Aviation Organization (ICAO) and the Commercial Aviation Safety Team (CAST).

**(2)** If no aircraft master series is assigned to an aeroplane, “model” in respect of that aeroplane means “aircraft model” as described in Section 3.6 of version 1.3 of the document entitled *International Standard for Aircraft Make, Model, and Series Groupings*, dated October 2012 and published by the Common Taxonomy Team of the International Civil Aviation Organization (ICAO) and the Commercial Aviation Safety Team (CAST).

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### 705.201 Minimum Number of Flight Attendants

**(1)** No air operator shall operate an aeroplane to carry passengers unless the air operator does so with the minimum number of flight attendants required on each deck.

**(2)** Subject to subsections (4) to (7), the minimum number of flight attendants required on each deck of an aeroplane is determined in accordance with one of the following ratios that is selected by the air operator in respect of the model of that aeroplane:

(a) one flight attendant for each unit of 40 passengers or for each portion of such a unit; or

(b) one flight attendant for each unit of 50 passenger seats or for each portion of such a unit.

**(3)** A Department of Transport air carrier inspector or a person authorized under subsection 705.27(4) to access the flight deck is not counted as a passenger for the purposes of paragraph (2)(a).

**(4)** An air operator who has selected, in respect of a model of aeroplane, the ratio set out in paragraph (2)(b) shall not operate an aeroplane of that model with only one flight attendant



unless

(a) the aeroplane has a single deck and is configured for 50 or fewer passenger seats;

(b) the aeroplane was certified under

(i) Part 25, Title 14, of the *Code of Federal Regulations* of the United States, in the version in effect on March 6, 1980 or after that date,

(ii) the *European Joint Aviation Requirements - Large Aeroplanes (JAR-25)*, published by the Joint Aviation Authorities, in the version in effect on November 30, 1981 or after that date,

(iii) the Certification Specifications, Including Airworthiness Code and Acceptable Means of Compliance, for Large Aeroplanes (CS-25), published by the European Aviation Safety Agency, in the version in effect on October 17, 2003 or after that date, or

(iv) Chapter 525 - Transport Category Aeroplanes of the *Airworthiness Manual*, in the version in effect on July 1, 1986 or after that date;

(c) only one flight attendant was used for the emergency evacuation demonstration required for the certification of that model of aeroplane;

(d) the air operator's flight attendant manual indicates how normal and emergency procedures differ depending on whether the aeroplane is operated with one flight attendant or with more than one flight attendant;

(e) the flight attendant occupies a flight attendant station that is located near a floor-level exit; and

(f) the public address system and the crew member interphone system are operative and are capable of being used at the flight attendant station.

**(5)** If an air operator has selected, in respect of a model of aeroplane, the ratio set out in paragraph (2)(a), but has carried out a successful demonstration of its emergency evacuation procedures for that model using more flight attendants than would have been required in accordance with that ratio, the minimum number of flight attendants required on each deck of an aeroplane of that model that is operated by the air operator is the number of flight attendants used in the demonstration.

**(6)** If an air operator has selected, in respect of a model of aeroplane, the ratio set out in paragraph (2)(b), but has carried out a successful demonstration of its emergency evacuation

procedures for that model using more flight attendants than would have been required in accordance with that ratio, the minimum number of flight attendants required on each deck of an aeroplane of that model that is operated by the air operator is the number of flight attendants used in the demonstration.

**(7)** If the emergency evacuation demonstration required for the certification of a model of aeroplane was carried out using more flight attendants than would have been required in accordance with the ratio set out in paragraph (2)(b) and, after the demonstration, an aeroplane of that model is reconfigured for fewer passenger seats, the minimum number of flight attendants required on each deck of the reconfigured aeroplane is the number of flight attendants required in accordance with the ratio set out in paragraph (2)(b) plus an additional number of flight attendants that is equal to the difference between

(a) the number of flight attendants used in the demonstration, and

(b) the number of flight attendants that would have been required in accordance with the ratio set out in paragraph (2)(b) at the time of the demonstration.

[Effective 2020/06/26 - Previous Version Dated 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20; SOR/2020-151, s. 21.]

### **705.202 Notice**

**(1)** An air operator who decides, in respect of a model of aeroplane, to change the ratio that it has selected for the purposes of subsection 705.201(2) shall not implement this change unless

(a) the air operator has provided the Minister with a notice in writing of the decision at least 60 days before implementing the change; and

(b) the Minister has acknowledged receipt of the notice.

**(2)** The Minister shall acknowledge receipt of the notice not later than one working day after receiving it.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.203 Emergency Features**

If an air operator has selected, in respect of a model of aeroplane, the ratio set out in paragraph 705.201(2)(b), the air operator shall not operate an aeroplane of that model unless

(a) the features that facilitate emergency evacuations meet the requirements set out in paragraphs 725.203(a) to (n) of Standard 725 - Airline Operations - Aeroplanes of the

*Commercial Air Service Standards;*

(b) the passenger seats and flight attendant seats meet the requirements set out in paragraph 725.203(o) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards;*

(c) compartments occupied by passengers and crew members meet the requirements respecting flammability set out in paragraph 725.203(p), (q) or (r) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards;* and

(d) the thermal insulation and acoustic insulation meet the requirements respecting flammability set out in paragraph 725.203(s) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Service Standards.*

[Effective 2019/06/14 - Previous Version dated 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20; SOR/2019-119, s. 43]

### **705.204 Demonstration of Emergency Evacuation Procedures**

**(1)** An air operator who decides to introduce a model of aeroplane into its fleet for the purpose of carrying passengers shall carry out a successful demonstration of its emergency evacuation procedures for that model of aeroplane before operating an aeroplane of that model to carry passengers.

**(1.1)** Despite subsection (1), the demonstration of emergency evacuation procedures is not required if the air operator has

(a) carried out a successful demonstration of its emergency evacuation procedures for another model of aeroplane in its fleet;

(b) conducted a comparative analysis to ensure that there is no difference in any of the following items between the model of aeroplane for which a successful demonstration has been carried out and the model of aeroplane being introduced:

(i) the location of the flight attendants and their emergency evacuation duties and procedures,

(ii) the number, location and type of emergency exits, and

(iii) the number, location and type of opening mechanisms for the emergency exits;

(c) verified that no changes have been made to any of the items listed in subparagraphs (b)(i) to (iii), in respect of the model of aeroplane for which a successful demonstration has

been carried out, between the time of the successful demonstration and the time the comparative analysis is conducted; and

(d) before operating an aeroplane of the model being introduced to carry passengers, informed the Minister of

(i) its decision to use the results of a successful demonstration of its emergency evacuation procedures for another model of aeroplane instead of carrying out a demonstration for the model of aeroplane it has decided to introduce, and

(ii) the model of aeroplane for which a successful demonstration has been carried out and the model of aeroplane it has decided to introduce.

**(2)** If an air operator decides to introduce an aeroplane into its fleet and there is a difference in any of the following items between that aeroplane and other aeroplanes of the same model that are already in the fleet, the air operator shall treat the aeroplane as if it were a different model of aeroplane and carry out a successful demonstration of its emergency evacuation procedures for that model before operating the aeroplane to carry passengers:

(a) the location of the flight attendants or their emergency evacuation duties or procedures;

(b) the number, location or type of emergency exits; or

(c) the number, location or type of opening mechanisms for the emergency exits.

**(3)** An air operator who decides to change any of the following items in respect of an aeroplane shall carry out a successful demonstration of its emergency evacuation procedures for the model of that aeroplane, as changed, before operating the aeroplane to carry passengers:

(a) the location of the flight attendants or their emergency evacuation duties or procedures;

(b) the number, location or type of emergency exits; or

(c) the number, location or type of opening mechanisms for the emergency exits.

**(4)** If an air operator who has selected the ratio set out in paragraph 705.201(2)(b) in respect of a model of aeroplane decides to reconfigure an aeroplane of that model by adding or removing passenger seats, and if the reconfiguration will result in a change in the minimum number of flight attendants required on each deck, the air operator shall carry out a successful demonstration of its emergency evacuation procedures for the reconfigured model of that aeroplane before operating the reconfigured aeroplane to carry passengers.

**(5)** Subsections (1) to (4) do not apply in respect of a model of aeroplane that is configured to carry fewer than 44 passengers.

[Effective 2020/12/09 - Previous Version Dated 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20; SOR/2020-253, s. 22.]

### **705.205 Carrying Out a Demonstration of Emergency Evacuation Procedures**

**(1)** An air operator who carries out a demonstration of its emergency evacuation procedures for a model of aeroplane shall

(a) do so in the presence of the Minister;

(b) do so without passengers;

(c) do so with flight attendants who have completed the air operator's training program for that model of aeroplane; and

(d) begin the demonstration using the air operator's normal procedures, then transition to its emergency procedures.

**(2)** The demonstration is successful if the flight attendants can, within 15 seconds after the transition from the air operator's normal procedures to its emergency procedures,

(a) open 50% of the floor-level emergency exits that are required by the certification basis established in respect of the model of aeroplane;

(b) open 50% of the non-floor-level emergency exits the opening of which is set out as an emergency evacuation duty in the air operator's operations manual; and

(c) deploy 50% of the escape slides.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.206 Extended Over-water Operations**

If an air operator decides to operate an aeroplane to carry passengers in extended over-water operations and the aeroplane is required to have survival equipment under Section 602.63, the air operator shall carry out a demonstration of its ditching emergency evacuation procedures for the model of that aeroplane before starting the extended over-water operations.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 21]

### **705.207 Carrying Out a Demonstration of Emergency Evacuation Procedures - Ditching**

**(1)** An air operator who carries out a demonstration of its ditching emergency evacuation procedures for a model of aeroplane shall

- (a) do so in the presence of the Minister;
- (b) use an aeroplane of that model, a life-sized mock-up of that model of aeroplane or a floating device;
- (c) assume that the ditching occurs during daylight hours and that all required crew members are available;
- (d) ensure that passengers are on board and participate in the demonstration if the air operator's operations manual requires passengers to assist in the launching of life rafts;
- (e) ensure that, after the ditching signal has been received, each evacuee dons a life preserver;
- (f) ensure that each life raft is removed from its stowage compartment;
- (g) ensure that, as applicable, one life raft or one slide raft is inflated; and
- (h) ensure that each evacuee boards the life raft or slide raft and that a crew member assigned to the life raft or slide raft indicates the location of the required survival equipment and describes the use of that equipment.

**(2)** A life-sized mock-up of a model of aeroplane or floating device must

- (a) be representative of the passenger cabin of the model of aeroplane;
- (b) contain seats for all of the evacuees participating in the demonstration;
- (c) be equipped with the same survival equipment that is installed on the model of aeroplane, including a life preserver for each evacuee participating in the demonstration;
- (d) have emergency exits and doors that simulate those on the model of aeroplane; and
- (e) have enough wing area installed outside the window emergency exits to simulate the portions of the wings of the model of aeroplane that would be used in a ditching situation.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 21]

## **705.208 to 705.219 Reserved**

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

### **705.220 In-charge Flight Attendant**

**(1)** An air operator who operates an aeroplane with more than one flight attendant shall designate an in-charge flight attendant for each flight and keep a record of that designation for at least 90 days after the day on which the flight is completed.

**(2)** Subject to subsection (3), an air operator shall not allow an individual to act as an in-charge flight attendant and no individual shall act as an in-charge flight attendant unless the individual has successfully completed in-charge training as part of the air operator's training program.

**(3)** An air operator shall set out procedures in its company operations manual for the selection of an acting in-charge flight attendant if the designated in-charge flight attendant becomes incapacitated after take-off.

**(4)** In the case of a flight with scheduled stops, an air operator shall replace an acting in-charge flight attendant with a new designated in-charge flight attendant at the first scheduled stop where the replacement can be made.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.221 Incapacitated Flight Attendant**

**(1)** An air operator who has selected, in respect of a model of aeroplane, the ratio set out in paragraph 705.201(2)(a) and who has assigned two or more flight attendants to a flight using an aeroplane of that model may operate the aeroplane for that flight without one of the flight attendants if

(a) one of the flight attendants is incapacitated;

(b) no other flight attendant who is qualified for the model of aeroplane is available at the point of departure;

(c) the pilot-in-command authorizes an employee of the air operator to occupy a flight attendant station until the aeroplane reaches the nearest airport at which the employee can be replaced by a flight attendant who is qualified for the model of aeroplane;

(d) before the movement of the aeroplane on the surface, the employee is briefed under the supervision of the pilot-in-command on the operation of the emergency exits and on

emergency procedures, including those related to the flight attendant station to be occupied by the employee; and

(e) the pilot-in-command is of the opinion that the employee understood the briefing.

**(2)** The air operator shall keep a record of the replacement for at least two years after the day on which the flight is completed.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.222 Embarking and Disembarking of Passengers**

**(1)** Subject to subsections (2) and (3), an air operator who operates an aeroplane to carry passengers shall ensure that all flight attendants assigned to a flight using that aeroplane are on board during passenger embarkation and disembarkation.

**(2)** In the case of a flight to which more than one flight attendant is assigned, the air operator may reduce the number of flight attendants by one during passenger embarkation if

(a) the flight attendant who leaves the aeroplane remains within the immediate vicinity of the door through which passengers are embarking and carries out safety-related duties for the flight;

(b) the engines used for the propulsion of the aeroplane are not running; and

(c) at least one floor-level exit remains open to provide for passenger egress.

**(3)** In the case of a flight to which more than one flight attendant is assigned, the air operator may reduce the number of flight attendants during passenger disembarkation if

(a) the engines used for the propulsion of the aeroplane are not running;

(b) at least one floor-level exit remains open to provide for passenger egress; and

(c) half of the required number of flight attendants - rounded down to the next lower number in the case of fractions, but never less than one - remain on board.

**(4)** Paragraphs (2)(b) and (3)(a) do not apply in respect of an engine on a propeller-driven aeroplane if

(a) the engine has a propeller brake;



(b) the propeller brake is set; and

(c) the aeroplane flight manual indicates that the engine may be used as an auxiliary power unit.

**(5)** The air operator shall ensure that, during passenger embarkation and disembarkation,

(a) if only one flight attendant is on board, he or she remains in the vicinity of the door through which passengers are embarking or disembarking; and

(b) if more than one flight attendant is on board, they are evenly distributed in the passenger cabin and are in the vicinity of the floor-level exits.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.223 Stops**

**(1)** An air operator shall not permit passengers to remain on board an aeroplane during an intermediate stop unless

(a) the engines used for the propulsion of the aeroplane are not running;

(b) at least one floor-level exit remains open to provide for passenger egress;

(c) in the case of an aeroplane operated with only one flight attendant, the flight attendant remains on board;

(d) in the case of an aeroplane operated with more than one flight attendant, at least half of the required number of flight attendants - rounded down to the next lower number in the case of fractions, but never less than one - remain on board; and

(e) flight attendants are located in the vicinity of the floor-level exits and are ready to initiate and oversee an emergency evacuation.

**(2)** Paragraph (1)(a) does not apply in respect of an engine on a propeller-driven aeroplane if

(a) the engine has a propeller brake;

(b) the propeller brake is set; and

(c) the aeroplane flight manual indicates that the engine may be used as an auxiliary power unit.

**(3)** Paragraph (1)(b) does not apply if the exit is closed or latched for climatic reasons.

**(4)** A flight attendant on board an aeroplane referred to in paragraph (1)(c) or (d) may be replaced by an individual other than a flight attendant if

(a) the individual has successfully completed the air operator's training on the emergency evacuation procedures for the model of that aeroplane in accordance with subsection 725.124(14) or (47) of Standard 725 - Airline Operations - Aeroplanes of the *Commercial Air Services Standards*;

(b) the individual is identified to the passengers as an acting flight attendant; and

(c) the individual is located in the vicinity of a floor-level exit and is ready to initiate and oversee an emergency evacuation.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.224 Emergency Duties**

**(1)** An air operator shall, for each model of aeroplane in its fleet that is operated to carry passengers, set out, in its flight attendant manual, the duties to be performed by the flight attendants in an emergency.

**(2)** The air operator shall not operate an aeroplane to carry passengers unless those duties are assigned to flight attendants on board the aeroplane.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.225 Emergency Evacuation - Before and During Surface Movements**

An air operator shall, for each aeroplane in its fleet that is operated to carry passengers, have procedures to ensure that

(a) at least one floor-level exit provides for passenger egress before the movement of the aeroplane on the surface; and

(b) every automatically deployable means of emergency passenger evacuation is ready for immediate use during the movement of the aeroplane on the surface.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.226 Single-aisle Aeroplane**

Despite Section 605.09, no person shall conduct a take-off in a single-aisle aeroplane that is carrying passengers unless all emergency exits and escape slides are operative.

[Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 20]

### **705.227 Standardization**

No air operator shall operate an aeroplane to carry passengers unless the emergency equipment, the stowage locations for emergency equipment and the emergency procedures are standardized for all aeroplanes in the air operator's fleet that are operated under this Subpart to carry passengers.

[Effective 2017/09/15 - Previous Version Effective 2015/08/01][Effective 2015/08/01 - No Previous Version]

[SOR/2015-127, s. 22.]

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## **Subpart 6 - Aircraft Maintenance Requirements for Air Operators**

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### **706.01 Application**

This Subpart applies to every person who operates an aircraft in a commercial air service under this Part.

### **706.02 Maintenance Control System**

No person shall operate an aircraft unless the aircraft is maintained in accordance with a maintenance control system that

- (a) meets the requirements of this Subpart; and
- (b) is described in the air operator's maintenance control manual (MCM) required by Section 706.08.

### **706.03 Duties of Certificate Holder**

**(1)** The holder of an air operator certificate shall

- (a) appoint a person responsible for the maintenance control system;

(b) subject to subsection (4), ensure that the person responsible for the maintenance control system has achieved a grade of 70% or more in an open-book examination that demonstrates knowledge of the provisions of the *Canadian Aviation Regulations*;

(c) ensure that the person responsible for the maintenance control system demonstrates to the Minister knowledge of the topics set out in subsection 726.03(1) of Standard 726 - Air Operator Maintenance of the *Commercial Air Service Standards* within 30 days after their appointment;

(d) ensure that the person responsible for the maintenance control system performs the duties referred to in subsections 706.07(2) and (3);

(e) provide the person responsible for the maintenance control system with the financial and human resources necessary to ensure that the holder of the air operator certificate meets the requirements of these Regulations;

(f) authorize the person responsible for the maintenance control system to remove aircraft from operation if the removal is justified because of non-compliance with the requirements of these Regulations or because of a risk to aviation safety or the safety of the public; and

(g) ensure that corrective actions are taken in respect of any findings resulting from a quality assurance program established under Section 706.07.

**(2)** The Minister shall conduct an interview with the person appointed under paragraph (1)(a) to assess their knowledge of the topics referred to in paragraph (1)(c).

**(3)** The Minister shall notify the person appointed under paragraph (1)(a) of the results of the assessment and identify any deficiencies in their knowledge of the topics within ten days after the interview.

**(4)** The knowledge requirement set out in paragraph (1)(b) does not apply in respect of

(a) a person responsible for the maintenance control system who held that position on January 1, 1997; or

(b) the holder of an aircraft maintenance engineer (AME) licence.

**(5)** The holder of an air operator certificate shall ensure that no person is appointed to be responsible for the maintenance control system or remains responsible for the system if, at the time of their appointment or during their tenure, they have a record of conviction for

(a) an offence under Section 7.3 of the Act; or

(b) two or more offences under any of Sections 605.84 to 605.86 not arising from a single occurrence.

**(6)** The person responsible for maintenance control system of the holder of an air operator certificate may assign the management functions for specific maintenance control activities, to another person if the assignment and its scope are described in the maintenance control manual (MCM) of the air operator.

**(7)** If the holder of an air operator certificate is also the holder of an approved maintenance organization (AMO) certificate issued under Section 573.02, the person appointed under paragraph (1)(a) shall be the person responsible for maintenance of the AMO appointed under paragraph 573.03(1)(a).

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 25.]

#### **706.04 Maintenance Personnel and Facilities**

An air operator shall provide the person who is responsible for its maintenance control system with the staff, facilities, technical and regulatory data, supplies and spare parts referred to in the *Commercial Air Service Standards* that are necessary to ensure compliance with this Subpart.

#### **706.05 Defect Recording, Rectification and Control Procedures**

An air operator shall include in its maintenance control system the procedures referred to in the *Commercial Air Service Standards* for

(a) recording aircraft defects;

(b) ensuring that defects are rectified in accordance with the requirements of these Regulations;

(c) detecting defects that recur and identifying those defects as recurring defects; and

(d) subject to Sections 605.09 and 605.10, scheduling the rectification of defects whose repair has been deferred.

[Effective 2020/06/26 - Previous Version Dated 1996/10/10]

[SOR/2020-151, s. 22.]

### 706.06 Technical Dispatch Procedures

- (1) An air operator shall include in its maintenance control system technical dispatch procedures to ensure that aircraft are not operated unless they are
- (a) airworthy;
  - (b) appropriately equipped, configured and maintained for their intended use; and
  - (c) maintained in accordance with the air operator's maintenance control manual (MCM).
- (2) Where an additional flight authority has been issued in respect of an aircraft pursuant to Section 507.08, the technical dispatch procedures required by this Section shall include procedures to control the use of that additional flight authority.
- (3) Where an air operator has a fleet empty weight and balance control program approved in accordance with the *Commercial Air Service Standards*, the technical dispatch procedures required by this Section shall include specific procedures that
- (a) ensure the quality of the program by meeting the applicable requirements of the *Commercial Air Service Standards*; and
  - (b) ensure that accurate empty weight and balance data for each aircraft to which the program applies is provided to the flight crew of the aircraft, or is input into the program, prior to each flight.

### 706.07 Quality Assurance Program

- (1) An air operator shall, in order to ensure that its maintenance control system and all of the included maintenance schedules continue to be effective and to comply with these Regulations, establish and maintain a quality assurance program that
- (a) is under the sole control of the person responsible for the maintenance control system appointed under paragraph 706.03(1)(a); and
  - (b) meets the requirements of Section 726.07 of Standard 726 - Air Operator Maintenance of the *Commercial Air Service Standards*.
- (2) The person responsible for the maintenance control system shall distribute the records relating to the findings resulting from the quality assurance program to the appropriate manager for corrective action and follow-up in accordance with the policies and procedures specified in the maintenance control manual (MCM).

**(3)** The person responsible for the maintenance control system shall establish an audit system in respect of the quality assurance program that consists of the following:

- (a) an initial audit within 12 months after the date on which the air operator certificate is issued;
- (b) subsequent audits conducted at intervals set out in the MCM;
- (c) a record of each occurrence of compliance or non-compliance with the MCM found during an audit referred to in paragraph (a) or (b);
- (d) checklists of all activities controlled by the MCM and the maintenance schedules;
- (e) procedures for ensuring that each finding of an audit is communicated to them and, if management functions have been assigned to another person under subsection 705.03(3) or (4), to that person;
- (f) follow-up procedures for ensuring that corrective actions are effective; and
- (g) a system for recording the findings of initial and periodic audits, corrective actions and follow-ups.

**(4)** The records required under paragraph (3)(g) shall be retained for the greater of

- (a) two audit cycles; and
- (b) two years.

**(5)** The duties related to the quality assurance program that involve specific tasks or activities within an air operator's activities shall be fulfilled by persons who are not responsible for carrying out those tasks or activities.

[Amended 2005/05/31 - Previous Version Dated 1996/10/10]

[SOR/2005-173, s. 26.]

### **706.08 Maintenance Control Manual (MCM)**

**(1)** An air operator shall establish, maintain and authorize the use of a maintenance control manual (MCM) that contains information to ensure the efficiency of the maintenance control system, as set out in the *Commercial Air Service Standards*.

**(2)** The Minister may authorize the incorporation by reference in an MCM of detailed procedures manuals prepared by the air operator, where

- (a) the policies affecting the detailed procedures remain in the MCM;
- (b) the incorporation is clearly indicated in the MCM;
- (c) the air operator ensures that the incorporated manuals meet the requirements of this Section; and
- (d) the person responsible for the air operator's maintenance control system, or the person to whom the management function has been assigned pursuant to subsection 706.03(3), has certified in writing that the incorporated manuals meet the requirements of this Section.

**(3)** Except where otherwise authorized by the Minister in writing where it is demonstrated that the granting of the authorization will not jeopardize the safety of the product or service, an air operator shall comply with the policies and procedures contained in its MCM.

**(4)** An air operator shall submit each page of its MCM to the Minister for approval, either individually or in accordance with an equivalent procedure that meets the applicable requirements of the *Commercial Air Service Standards*.

**(5)** An air operator shall amend its MCM when instructed to do so by the Minister where

- (a) the MCM does not meet the requirements of this Subpart; or
- (b) the MCM contains policies or procedures, or a lack thereof, such that the air operator's maintenance control system no longer meets the requirements of these Regulations.

**(6)** An air operator shall provide the means to ensure that a current copy of its MCM, or of the relevant portions of its MCM, is made available to each person who performs or certifies a function that is dealt with in the MCM or in any manual that is incorporated in the MCM in accordance with subsection (2).

**(7)** An air operator shall amend each copy of its MCM within 30 days after the approval of an amendment under subsection (8).

**(8)** The Minister shall approve an air operator's MCM, and any amendments to that manual, if the requirements of the *Commercial Air Service Standards* are met.

[Amended 2009/05/28 - Previous Version Dated 2000/12/01][Amended 2000/12/01 - Previous Version Dated 1996/10/10]

[SOR/2000-389, s. 2; SOR/2009-152, s. 24.]

## **706.09 Maintenance Arrangements**



**(1)** No air operator shall permit a person or organization to perform maintenance on the air operator's aircraft unless the person or organization has adequate facilities, equipment, spare parts and personnel available at the site where the maintenance is to be performed and

(a) the person or organization holds an approved maintenance organization (AMO) certificate issued pursuant to Section 573.02 with a rating in a category applicable to the maintenance to be performed;

(b) where the maintenance is to be performed outside Canada by a person or organization that does not hold an AMO certificate issued pursuant to Section 573.02, the person or organization has been approved under the laws of a state that is party to an agreement with Canada that provides for recognition of the work performed; or

(c) in cases other than those described in paragraphs (a) and (b), the performance of the maintenance by the person or organization has been approved by the Minister as being in conformity with these Regulations.

**(2)** An air operator shall ensure that a maintenance arrangement made with a person or organization pursuant to subsection (1)

(a) specifies the maintenance required and clearly defines the tasks to be performed; and

(b) is made in accordance with the procedures governing maintenance arrangements included in the MCM or is approved by the Minister as being in conformity with these Regulations.

**(3)** Where an air operator makes a maintenance arrangement to have maintenance performed outside Canada by a person or organization that does not hold an AMO certificate issued pursuant to Section 573.02, the Minister shall, in the following cases, authorize the arrangement by issuing a maintenance specification to indicate that the maintenance control procedures set out in the arrangement conform to the *Commercial Air Service Standards*:

(a) the maintenance is performed by a person or organization that has been approved in accordance with paragraph (1)(b) and the issuance of a maintenance specification is either required by the agreement or requested by the foreign state; or

(b) the maintenance is performed in a state that is not party to an agreement with Canada that provides for recognition of the work performed.

**(4)** An air operator shall ensure the completion of all of the tasks defined in a maintenance arrangement in accordance with subsection (2).

### 706.10 Elementary Work

No air operator shall authorize a person to perform, without supervision, a task that is elementary work set out in the *Aircraft Equipment and Maintenance Standards* unless the person

(a) has satisfactorily completed training for the task under a training program required by Section 706.12; and

(b) has previously performed that task under the direct supervision of the holder of an aircraft maintenance engineer (AME) licence or a training organization approved pursuant to Subpart 3 of Part IV.

### 706.11 Servicing

An air operator shall ensure that each person who performs or requests the performance of servicing has satisfactorily completed training, under a training program required by Section 706.12, for the servicing to be performed.

### 706.12 Training Program

An air operator shall implement a training program to ensure that persons who are authorized to perform a function under this Subpart are trained in respect of the regulations, standards and air operator procedures applicable to that function, as specified in the *Commercial Air Service Standards*.

### 706.13 Personnel Records

(1) An air operator shall establish, maintain and retain for at least two years after an entry is made, for each affected person, a record of

(a) all personal qualifications in respect of any appointment made pursuant to Section 706.03;

(b) any authorization to perform elementary work given in accordance with Section 706.10 and incorporated in the maintenance control manual (MCM) in accordance with the *Commercial Air Service Standards*; and

(c) all training conducted pursuant to Section 706.12.

(2) The air operator shall provide a copy of each record required by subsection (1) to the person to whom the record refers on the completion of any training or the giving of an authorization

referred to in paragraph (1)(b).

### **706.14 Service Difficulty Reporting**

The holder of an air operator certificate shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V, any reportable service difficulty related to any aircraft that it operates.

[Amended 2009/12/01 - Previous Version Dated 1996/10/10]

[SOR/2009-280, s. 36.]

### **706.15 Safety Management System**

The holder of an air operator certificate issued under Section 705.07 shall, for all maintenance control activities performed under this Subpart, adhere to the requirements set out in Section 705.151 or 705.154 with respect to a safety management system.

[Amended 2005/05/31 - No Previous Version]

[SOR/2005-173, s. 27.]

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## **Part IX - Remotely Piloted Aircraft Systems**

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### **Division I - General Provisions**

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#### **900.01 Interpretation**

The following definitions apply in this Part.

"autonomous" - means, in respect of a remotely piloted aircraft system, that the system is not designed to allow pilot intervention in the management of a flight. (*autonome*)

"command and control link" - means the data link between a remotely piloted aircraft and a control station that is used in the management of a flight. (*liaison de commande et de contrôle*)

"control station" - means the facilities or equipment that are remote from a remotely piloted aircraft and from which the aircraft is controlled and monitored. (*poste de contrôle*)

"detect and avoid functions" - means the capability to see, sense or detect conflicting air traffic or other hazards and take the appropriate action. (*fonctions de détection et*

*d'évitement)*

"first-person view device" - means a device that generates and transmits a streaming video image to a control station display or monitor, giving the pilot of a remotely piloted aircraft the illusion of flying the aircraft from an on-board pilot's perspective. (*dispositif de vue à la première personne*)

"flight termination system" - means a system that, on activation, terminates the flight of a remotely piloted aircraft. (*système d'interruption du vol*)

"fly-away" - means, in respect of a remotely piloted aircraft, an interruption or loss of the command and control link such that the pilot is no longer able to control the aircraft and the aircraft no longer follows its preprogrammed procedures or operates in a predictable or planned manner. (*dérive*)

"mandatory action" - means the inspection, repair or modification of a remotely piloted aircraft system that the manufacturer of the system considers necessary to prevent an unsafe or potentially unsafe condition. (*mesure obligatoire*)

"payload" - means a system, an object or a collection of objects that is on board or is otherwise connected to a remotely piloted aircraft but that is not required for flight. (*charge utile*)

"visual line-of-sight" or "VLOS" - means unaided visual contact at all times with a remotely piloted aircraft that is sufficient to be able to maintain control of the aircraft, know its location, and be able to scan the airspace in which it is operating in order to perform the detect and avoid functions in respect of other aircraft or objects. (*visibilité directe ou VLOS*)

"visual observer" - means a trained crew member who assists the pilot in ensuring the safe conduct of a flight under visual line-of-sight. (*observateur visuel*)

[SOR/2019-11, s. 23.]

## **900.02 Application**

This Part applies in respect of the operation of remotely piloted aircraft systems.

[SOR/2019-11, s. 23.]

### **900.02.1 Repealed**

[Effective 2019/06/01 - Previous Version Dated 2018/12/21]

[SOR/2019-11, s. 25.]

## **900.03 to 900.05 Reserved**

[SOR/2019-11, s. 23.]

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### **Division II - General Prohibition**

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#### **900.06 Reckless or Negligent Operation**

No person shall operate a remotely piloted aircraft system in such a reckless or negligent manner as to endanger or be likely to endanger aviation safety or the safety of any person.

[SOR/2019-11, s. 23.]

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## **Subpart 1 - Small Remotely Piloted Aircraft**

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### **Division I - General Provision**

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#### **901.01 Application**

This Subpart applies in respect of the operation of remotely piloted aircraft systems that include small remotely piloted aircraft.

[SOR/2019-11, s. 23.]

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### **Division II - Registration of Remotely Piloted Aircraft**

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#### **901.02 Registration**

No person shall operate a remotely piloted aircraft system unless the remotely piloted aircraft is registered in accordance with this Division.

[SOR/2019-11, s. 23.]

#### **901.03 Registration Number**

No pilot shall operate a remotely piloted aircraft system unless the registration number issued in accordance with Section 901.05 is clearly visible on the remotely piloted aircraft.

[SOR/2019-11, s. 23.]

### **901.04 Qualifications To Be Registered Owner of a Remotely Piloted Aircraft**

**(1)** Subject to subsection (2), a person is qualified to be the registered owner of a remotely piloted aircraft if they are

- (a) a citizen of Canada;
- (b) a permanent resident of Canada;
- (c) a corporation incorporated under the territorial, provincial or federal laws of Canada; or
- (d) a municipal, provincial or federal entity.

**(2)** No individual is qualified to be the registered owner of a remotely piloted aircraft unless that individual is at least 14 years of age.

[SOR/2019-11, s. 23.]

### **901.05 Registration Requirements**

**(1)** The Minister shall, on receipt of an application submitted in accordance with subsection (2), register a remotely piloted aircraft if the applicant is qualified to be the registered owner of the aircraft.

**(2)** The application shall include the following information:

- (a) if the applicant is an individual,
  - (i) the applicant's name and address,
  - (ii) the applicant's date of birth, and
  - (iii) an indication as to whether the applicant is a Canadian citizen or permanent resident of Canada;
- (b) if the applicant is incorporated,
  - (i) the entity's legal name and address, and
  - (ii) the name and title of the person making the application;
- (c) if the applicant is Her Majesty in right of Canada or a province,
  - (i) the name of the government body, and

- (ii) the name and title of the person making the application;
- (d) an indication as to whether the aircraft was purchased or built by the applicant;
- (e) the date of purchase of the aircraft by the applicant, if applicable;
- (f) the manufacturer and model of the aircraft, if applicable;
- (g) the serial number of the aircraft, if applicable;
- (h) the category of aircraft, such as a fixed-wing aircraft, rotary-wing aircraft, hybrid aircraft or lighter-than-air aircraft;
- (i) the maximum take-off weight of the aircraft; and
- (j) any Canadian registration number previously issued in respect of the aircraft.

**(3)** When the Minister registers a remotely piloted aircraft, the Minister shall issue to the registered owner of the aircraft a certificate of registration that includes

- (a) a registration number;
- (b) the serial number of the aircraft, if applicable; and
- (c) if the manufacturer has made a declaration in accordance with Section 901.76 in respect of the model of remotely piloted aircraft system of which the aircraft is an element, the operations referred to in subsection 901.69(1) for which the declaration was made.

[SOR/2019-11, s. 23.]

### **901.06 Register of Remotely Piloted Aircraft**

The Minister shall establish and maintain a register of remotely piloted aircraft, in which there shall be entered, in respect of each aircraft for which a certificate of registration has been issued under Section 901.05,

- (a) the name and address of the registered owner;
- (b) the registration number referred to in paragraph 901.05(3)(a); and
- (c) such other particulars concerning the aircraft as the Minister determines necessary for registration of the remotely piloted aircraft.

[SOR/2019-11, s. 23.]

### **901.07 Cancellation of Certificate of Registration**

**(1)** Every registered owner of a remotely piloted aircraft shall, within seven days after becoming aware that any of the following events has occurred, notify the Minister in writing that

- (a) the aircraft is destroyed;
- (b) the aircraft is permanently withdrawn from use;
- (c) the aircraft is missing and the search for the aircraft is terminated;
- (d) the aircraft has been missing for 60 days or more; or
- (e) the registered owner has transferred legal custody and control of the aircraft.

**(2)** When an event referred to in subsection (1) has occurred, the certificate of registration in respect of the remotely piloted aircraft is cancelled.

**(3)** The certificate of registration of a remotely piloted aircraft is cancelled when

- (a) a registered owner of the aircraft dies;
- (b) an entity that is a registered owner of the aircraft is wound up, dissolved or amalgamated with another entity; or
- (c) a registered owner ceases to be qualified to be a registered owner under Section 901.04.

**(4)** For the purposes of this Division, an owner has legal custody and control of a remotely piloted aircraft when the owner has complete responsibility for the operation and maintenance of the remotely piloted aircraft system of which the aircraft is an element.

[SOR/2019-11, s. 23.]

### **901.08 Change of Name or Address**

The registered owner of a remotely piloted aircraft shall notify the Minister in writing of any change in the name or address of the registered owner by not later than seven days after the change.

[SOR/2019-11, s. 23.]

### **901.09 Access to Certificate of Registration**

No pilot shall operate a remotely piloted aircraft system unless the certificate of registration issued in respect of the remotely piloted aircraft is easily accessible to the pilot for the duration



of the operation.

[SOR/2019-11, s. 23.]

## **901.10 Reserved**

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### **Division III - General Operating and Flight Rules**

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#### **901.11 Visual Line-of-sight**

**(1)** Subject to subsection (2), no pilot shall operate a remotely piloted aircraft system unless the pilot or a visual observer has the aircraft in visual line-of-sight at all times during flight.

**(2)** A pilot may operate a remotely piloted aircraft system without the pilot or a visual observer having the aircraft in visual line-of-sight if the operation is conducted in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

[SOR/2019-11, s. 23.]

#### **901.12 Prohibition - Emergency Security Perimeter**

**(1)** No pilot shall operate a remotely piloted aircraft over or within the security perimeter established by a public authority in response to an emergency.

**(2)** Subsection (1) does not apply to the operation of a remotely piloted aircraft for the purpose of an operation to save human life, a police operation, a fire-fighting operation or other operation that is conducted in the service of a public authority.

[SOR/2019-11, s. 23.]

#### **901.13 Prohibition - Canadian Domestic Airspace**

No pilot operating a remotely piloted aircraft shall cause the aircraft to leave Canadian Domestic Airspace.

[SOR/2019-11, s. 23.]

#### **901.14 Controlled or Restricted Airspace**

**(1)** Subject to subsection 901.71(1), no pilot shall operate a remotely piloted aircraft in controlled airspace.

**(2)** No pilot shall operate a remotely piloted aircraft in Class F Special Use Restricted Airspace, as specified in the *Designated Airspace Handbook*, unless authorized to do so by the person

specified for that purpose in that standard.

**(3)** For the purposes of subsection (2), a person specified in the *Designated Airspace Handbook* may authorize the operation of a remotely piloted aircraft when activities on the ground or in the airspace are not hazardous to aircraft operating in that airspace or access by aircraft to that airspace does not jeopardize national security interests.

[SOR/2019-11, s. 23.]

### **901.15 Inadvertent Entry into Controlled or Restricted Airspace**

A pilot of a remotely piloted aircraft shall ensure that the appropriate air traffic control unit, flight service station or user agency is notified immediately any time the aircraft is no longer under the pilot's control and inadvertent entry into controlled airspace or Class F Special Use Restricted airspace, as specified in the *Designated Airspace Handbook*, occurs or is likely to occur.

[SOR/2019-11, s. 23.]

### **901.16 Flight Safety**

A pilot that operates a remotely piloted aircraft system shall immediately cease operations if aviation safety or the safety of any person is endangered or likely to be endangered.

[SOR/2019-11, s. 23.]

### **901.17 Right of Way**

A pilot of a remotely piloted aircraft shall give way to power-driven heavier-than-air aircraft, airships, gliders and balloons at all times.

[SOR/2019-11, s. 23.]

### **901.18 Avoidance of Collision**

No pilot shall operate a remotely piloted aircraft in such proximity to another aircraft as to create a risk of collision.

[SOR/2019-11, s. 23.]

### **901.19 Fitness of Crew Members**

**(1)** No person shall act as a crew member of a remotely piloted aircraft system if the person

(a) is suffering or is likely to suffer from fatigue; or

(b) is otherwise unfit to perform properly the person's duties.

**(2)** No person shall act as a crew member of a remotely piloted aircraft system

(a) within 12 hours after consuming an alcoholic beverage;

(b) while under the influence of alcohol; or

(c) while using any drug that impairs the person's faculties to the extent that aviation safety or the safety of any person is endangered or likely to be endangered.

[SOR/2019-11, s. 23.]

### **901.20 Visual Observers**

**(1)** No pilot shall operate a remotely piloted aircraft system if visual observers are used to assist the pilot in the provision of detect and avoid functions unless reliable and timely communication is maintained between the pilot and each visual observer during the operation.

**(2)** A visual observer shall communicate information to the pilot in a timely manner, during the operation, whenever the visual observer detects conflicting air traffic, hazards to aviation safety or hazards to persons on the surface.

**(3)** No visual observer shall perform visual observer duties for more than one remotely piloted aircraft at a time unless the aircraft are operated in accordance with subsection 901.40(1) or in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

**(4)** No visual observer shall perform visual observer duties while operating a moving vehicle, vessel or aircraft.

[SOR/2019-11, s. 23.]

### **901.21 Compliance with Instructions**

Every crew member of a remotely piloted aircraft system shall, during flight time, comply with the instructions of the pilot.

[SOR/2019-11, s. 23.]

### **901.22 Living Creatures**

No pilot shall operate a remotely piloted aircraft that transports or carries on board a living creature.

[SOR/2019-11, s. 23.]

### **901.23 Procedures**

**(1)** No pilot shall operate a remotely piloted aircraft system unless the following procedures are established:

(a) normal operating procedures, including pre-flight, take-off, launch, approach, landing and recovery procedures; and

(b) emergency procedures, including with respect to

(i) a control station failure,

(ii) an equipment failure,

(iii) a failure of the remotely piloted aircraft,

(iv) a loss of the command and control link,

(v) a fly-away, and

(vi) flight termination.

**(2)** If the manufacturer of the remotely piloted aircraft system provides instructions with respect to the topics referred to in paragraphs (1)(a) and (b), the procedures established under subsection (1) shall reflect those instructions.

**(3)** No pilot shall conduct the take-off or launch of a remotely piloted aircraft unless the procedures referred to in subsection (1) are reviewed before the flight by, and are immediately available to, each crew member.

**(4)** No pilot shall operate a remotely piloted aircraft system unless the operation is conducted in accordance with the procedures referred to in subsection (1).

[SOR/2019-11, s. 23.]

### **901.24 Pre-flight Information**

A pilot of a remotely piloted aircraft shall, before commencing a flight, be familiar with the available information that is relevant to the intended flight.

[SOR/2019-11, s. 23.]

### **901.25 Maximum Altitude**

**(1)** Subject to subsection (2), no pilot shall operate a remotely piloted aircraft at an altitude greater than

(a) 400 feet (122 m) AGL; or

(b) 100 feet (30 m) above any building or structure, if the aircraft is being operated at a distance of less than 200 feet (61 m), measured horizontally, from the building or structure.

**(2)** A pilot may operate a remotely piloted aircraft at an altitude greater than those set out in subsection (1) if the operation is conducted in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

[SOR/2019-11, s. 23.]

### **901.26 Horizontal Distance**

Subject to paragraph 901.69(1)(b) or (c), no pilot shall operate a remotely piloted aircraft at a distance of less than 100 feet (30 m) from another person, measured horizontally and at any altitude, except from a crew member or other person involved in the operation.

[SOR/2019-11, s. 23.]

### **901.27 Site Survey**

No pilot shall operate a remotely piloted aircraft system unless, before commencing operations, they determine that the site for take-off, launch, landing or recovery is suitable for the proposed operation by conducting a site survey that takes into account the following factors:

(a) the boundaries of the area of operation;

(b) the type of airspace and the applicable regulatory requirements;

(c) the altitudes and routes to be used on the approach to and departure from the area of operation;

(d) the proximity of manned aircraft operations;

(e) the proximity of aerodromes, airports and heliports;

(f) the location and height of obstacles, including wires, masts, buildings, cell phone towers and wind turbines;

(g) the predominant weather and environmental conditions for the area of operation; and

(h) the horizontal distances from persons not involved in the operation.

[SOR/2019-11, s. 23.]

### **901.28 Other Pre-flight Requirements**

A pilot of a remotely piloted aircraft shall, before commencing a flight,

- (a) ensure that there is a sufficient amount of fuel or energy for safe completion of the flight;
- (b) ensure that each crew member, before acting as a crew member, has been instructed
  - (i) with respect to the duties that the crew member is to perform, and
  - (ii) on the location and use of any emergency equipment associated with the operation of the remotely piloted aircraft system; and
- (c) determine the maximum distance from the pilot the aircraft can travel without endangering aviation safety or the safety of any person.

[SOR/2019-11, s. 23.]

### **901.29 Serviceability of the Remotely Piloted Aircraft System**

No pilot shall conduct the take-off or launch of a remotely piloted aircraft, or permit the take-off or launch of a remotely piloted aircraft to be conducted, unless the pilot ensures that

- (a) the aircraft is serviceable;
- (b) the remotely piloted aircraft system has been maintained in accordance with the manufacturer's instructions;
- (c) all mandatory actions have been completed in accordance with the manufacturer's instructions; and
- (d) all equipment required by these Regulations or the manufacturer's instructions are installed and serviceable.

[SOR/2019-11, s. 23.]

### **901.30 Availability of Remotely Piloted Aircraft System Operating Manual**

No pilot shall conduct the take-off or launch of a remotely piloted aircraft for which the manufacturer has provided a remotely piloted aircraft system operating manual unless the manual is immediately available to crew members at their duty stations.

[SOR/2019-11, s. 23.]

### **901.31 Manufacturer's Instructions**

No pilot shall operate a remotely piloted aircraft system unless it is operated in accordance with the manufacturer's instructions.

[SOR/2019-11, s. 23.]

### **901.32 Control of Remotely Piloted Aircraft Systems**

No pilot shall operate an autonomous remotely piloted aircraft system or any other remotely piloted aircraft system for which they are unable to take immediate control of the aircraft.

[SOR/2019-11, s. 23.]

### **901.33 Take-offs, Launches, Approaches, Landings and Recovery**

A pilot of a remotely piloted aircraft shall, before take-off, launch, approach, landing or recovery,

(a) ensure that there is no likelihood of collision with another aircraft, person or obstacle;  
and

(b) ensure that the site set aside for take-off, launch, landing or recovery, as the case may be, is suitable for the intended operation.

[SOR/2019-11, s. 23.]

### **901.34 Minimum Weather Conditions**

No pilot shall operate a remotely piloted aircraft system unless the weather conditions at the time of flight permit

(a) the operation to be conducted in accordance with the manufacturer's instructions; and

(b) the pilot of the system and any visual observer to conduct the entire flight within visual line-of-sight.

[SOR/2019-11, s. 23.]

### **901.35 Icing**

**(1)** No pilot shall operate a remotely piloted aircraft system when icing conditions are observed, are reported to exist or are likely to be encountered along the route of flight unless the aircraft is equipped with de-icing or anti-icing equipment and equipment designed to detect icing.

**(2)** No pilot shall operate a remotely piloted aircraft system with frost, ice or snow adhering to

any part of the remotely piloted aircraft.

[SOR/2019-11, s. 23.]

### **901.36 Formation Flight**

No pilot shall operate a remotely piloted aircraft in formation with other aircraft except by pre-arrangement between the pilots of the aircraft in respect of the intended flight.

[SOR/2019-11, s. 23.]

### **901.37 Prohibition - Operation of Moving Vehicles, Vessels and Manned Aircraft**

No pilot shall operate a remotely piloted aircraft while operating a moving vehicle, vessel or manned aircraft.

[SOR/2019-11, s. 23.]

### **901.38 Use of First-person View Devices**

No pilot shall operate a remotely piloted aircraft system using a first-person view device unless, at all times during flight, a visual observer performs the detect and avoid functions with respect to conflicting aircraft or other hazards beyond the field of view displayed on the device.

[SOR/2019-11, s. 23.]

### **901.39 Night Flight Requirements**

**(1)** No pilot shall operate a remotely piloted aircraft system during the night unless the remotely piloted aircraft is equipped with position lights sufficient to allow the aircraft to be visible to the pilot and any visual observer, whether with or without night-vision goggles, and those lights are turned on.

**(2)** No pilot shall operate a remotely piloted aircraft system using night-vision goggles unless the goggles are capable of, or the person has another means of, detecting all light within the visual spectrum.

[SOR/2019-11, s. 23.]

### **901.40 Multiple Remotely Piloted Aircraft**

**(1)** No pilot shall operate more than one remotely piloted aircraft at a time unless the remotely piloted aircraft system is designed to permit the operation of multiple aircraft from a single control station and unless the aircraft are operated in accordance with the manufacturer's instructions.

**(2)** For the purposes of subsection (1), no pilot shall operate more than five remotely piloted



aircraft at a time except in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

[SOR/2019-11, s. 23.]

### **901.41 Special Aviation Events and Advertised Events**

**(1)** No pilot shall operate a remotely piloted aircraft system at any special aviation event or at any advertised event except in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

**(2)** For the purposes of subsection (1), advertised event means an outdoor event that is advertised to the general public, including a concert, festival, market or sporting event.

[SOR/2019-11, s. 23.]

### **901.42 Handovers**

No pilot shall hand over their responsibilities to another pilot during flight unless, before the take-off or launch of a remotely piloted aircraft,

(a) a pre-arrangement in respect of the handover has been made between the pilots; and

(b) a procedure has been developed to mitigate the risk of loss of control of the aircraft.

[SOR/2019-11, s. 23.]

### **901.43 Payloads**

**(1)** Subject to subsection (2), no pilot shall operate a remotely piloted aircraft system if the aircraft is transporting a payload that

(a) includes explosive, corrosive, flammable, or bio-hazardous material;

(b) includes weapons, ammunition or other equipment designed for use in war;

(c) could create a hazard to aviation safety or cause injury to persons; or

(d) is attached to the aircraft by means of a line unless such an operation is conducted in accordance with the manufacturer's instructions.

**(2)** A pilot may operate a remotely piloted aircraft system when the aircraft is transporting a payload referred to in subsection (1) if the operation is conducted in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

[SOR/2019-11, s. 23.]

### **901.44 Flight Termination System**

No pilot of a remotely piloted aircraft equipped with a flight termination system shall activate the system if it will endanger or will likely endanger aviation safety or the safety of any person.

[SOR/2019-11, s. 23.]

### **901.45 ELT**

No pilot shall operate a remotely piloted aircraft equipped with an ELT.

[SOR/2019-11, s. 23.]

### **901.46 Transponder and Automatic Pressure-altitude Reporting Equipment**

**(1)** Subject to subsection (2), no pilot shall operate a remotely piloted aircraft system if the aircraft is in the transponder airspace referred to in Section 601.03 unless the aircraft is equipped with a transponder and automatic pressure-altitude reporting equipment.

**(2)** An air traffic control unit may authorize a pilot to operate a remotely piloted aircraft that is not equipped in accordance with subsection (1) within the airspace referred to in Section 601.03 if

(a) the air traffic control unit provides an air traffic control service in respect of that airspace;

(b) the pilot made a request to the air traffic control unit to operate the aircraft within that airspace before the aircraft entered the airspace; and

(c) aviation safety is not likely to be affected.

[SOR/2019-11, s. 23.]

### **901.47 Operations at or in the Vicinity of an Aerodrome, Airport or Heliport**

**(1)** No pilot shall operate a remotely piloted aircraft at or near an aerodrome that is listed in the *Canada Flight Supplement* or the *Water Aerodrome Supplement* in a manner that could interfere with an aircraft operating in the established traffic pattern.

**(2)** Subject to Section 901.73, no pilot shall operate a remotely piloted aircraft at a distance of less than

(a) three nautical miles from the centre of an airport; and

(b) one nautical mile from the centre of a heliport.

**(3)** No pilot shall operate a remotely piloted aircraft at a distance of less than three nautical miles from the centre of an aerodrome operated under the authority of the Minister of National Defence unless the operation is conducted in accordance with a special flight operations certificate - RPAS issued under Section 903.03.

[SOR/2019-11, s. 23.]

### **901.48 Records**

**(1)** Every owner of a remotely piloted aircraft system shall keep the following records:

(a) a record containing the names of the pilots and other crew members who are involved in each flight and, in respect of the system, the time of each flight or series of flights; and

(b) a record containing the particulars of any mandatory action and any other maintenance action, modification or repair performed on the system, including

(i) the names of the persons who performed them,

(ii) the dates they were undertaken,

(iii) in the case of a modification, the manufacturer, model and a description of the part or equipment installed to modify the system, and

(iv) if applicable, any instructions provided to complete the work.

**(2)** Every owner of a remotely piloted aircraft system shall ensure that the records referred to in subsection (1) are made available to the Minister on request and are retained for a period of

(a) in the case of the records referred to in paragraph (1)(a), 12 months after the day on which they are created; and

(b) in the case of the records referred to in paragraph (1)(b), 24 months after the day on which they are created.

**(3)** Every owner of a remotely piloted aircraft system who transfers ownership of the system to another person shall, at the time of transfer, also deliver to that person all of the records referred to in paragraph (1)(b).

[SOR/2019-11, s. 23.]

### **901.49 Incidents and Accidents - Associated Measures**

**(1)** A pilot that operates a remotely piloted aircraft system shall immediately cease operations

if any of the following incidents or accidents occurs until such time as an analysis is undertaken as to the cause of the occurrence and corrective actions have been taken to mitigate the risk of recurrence:

- (a) injuries to any person requiring medical attention;
- (b) unintended contact between the aircraft and persons;
- (c) unanticipated damage incurred to the airframe, control station, payload or command and control links that adversely affects the performance or flight characteristics of the aircraft;
- (d) any time the aircraft is not kept within horizontal boundaries or altitude limits;
- (e) any collision with or risk of collision with another aircraft;
- (f) any time the aircraft becomes uncontrollable, experiences a fly-away or is missing; and
- (g) any incident not referred to in paragraphs (a) to (f) for which a police report has been filed or for which a Civil Aviation Daily Occurrence Report has resulted.

**(2)** The pilot of the remotely piloted aircraft system shall keep, and make available to the Minister on request, a record of any analyses undertaken under subsection (1) for a period of 12 months after the day on which the record is created.

[SOR/2019-11, s. 23.]

### **901.50 to 901.52 Reserved**

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## **Division IV - Basic Operations**

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### **901.53 Application**

This Division applies in respect of the operation of remotely piloted aircraft systems that include small remotely piloted aircraft and that are not intended to conduct any of the advanced operations referred to in paragraphs 901.62(a) to (d).

[SOR/2019-11, s. 23.]

### **901.54 Pilot Requirements**

**(1)** Subject to subsection (2), no person shall operate a remotely piloted aircraft system under

this Division unless the person

(a) is at least 14 years of age; and

(b) holds either

(i) a pilot certificate - small remotely piloted aircraft (VLOS) - basic operations issued under Section 901.55; or

(ii) a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations issued under Section 901.64.

**(2)** Subsection (1) does not apply to a person who is less than 14 years of age if the operation of the remotely piloted aircraft system is conducted under the direct supervision of a person who is 14 years of age or older and who can operate a remotely piloted aircraft system under this Division or Division V.

[SOR/2019-11, s. 23.]

### **901.55 Issuance of Pilot Certificate - Small Remotely Piloted Aircraft (VLOS) - Basic Operations**

The Minister shall, on receipt of an application, issue a pilot certificate - small remotely piloted aircraft (VLOS) - basic operations if the applicant demonstrates to the Minister that the applicant

(a) is at least 14 years of age; and

(b) has successfully completed the examination "Remotely Piloted Aircraft Systems - Basic Operations" which is based on the standard entitled *Knowledge Requirements for Pilots of Remotely Piloted Aircraft Systems, 250 g up to and including 25 kg, Operating within visual line-of-sight (VLOS)*, TP 15263, published by the Minister and covers the subjects set out in Section 921.01 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

[SOR/2019-11, s. 23.]

### **901.56 Recency Requirements**

**(1)** No holder of a pilot certificate - small remotely piloted aircraft (VLOS) - basic operations or of a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations shall operate a remotely piloted aircraft system under this Division unless the holder has, within the 24 months preceding the flight,

(a) been issued a pilot certificate - small remotely piloted aircraft (VLOS) - basic operations

under Section 901.55 or a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations under Section 901.64; or

(b) successfully completed

(i) either of the examinations referred to in paragraphs 901.55(b) and 901.64(b),

(ii) a flight review referred to in paragraph 901.64(c), or

(iii) any of the recurrent training activities set out in Section 921.04 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

**(2)** The person referred to in subsection (1) shall keep a record of all activities referred to in paragraph (1)(b), including the dates on which they were completed, for at least 24 months after the day on which they were completed.

[SOR/2019-11, s. 23.]

### **901.57 Access to Certificate and Proof of Recency**

No pilot shall operate a remotely piloted aircraft system under this Division unless both of the following are easily accessible to the pilot during the operation of the system:

(a) the pilot certificate - small remotely piloted aircraft (VLOS) - basic operations issued under Section 901.55 or the pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations issued under Section 901.64; and

(b) documentation demonstrating that the pilot meets the recency requirements set out in Section 901.56.

[SOR/2019-11, s. 23.]

### **901.58 Examination Rules**

No person shall, in respect of an examination taken under this Division,

(a) copy or remove from any place all or any portion of the text of the examination;

(b) give help to or accept help from any person during the examination; or

(c) complete all or any portion of the examination on behalf of any other person.

[SOR/2019-11, s. 23.]

### **901.59 Retaking of an Examination or Flight Review**

A person who fails an examination or a flight review taken under this Division is ineligible to retake the examination or flight review for a period of 24 hours after the examination or review.

[SOR/2019-11, s. 23.]

## **901.60 and 901.61 Reserved**

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## **Division V - Advanced Operations**

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### **901.62 Application**

This Division applies in respect of remotely piloted aircraft systems that include small remotely piloted aircraft and that are intended for operation

(a) in controlled airspace, in accordance with paragraph 901.69(1)(a) and Sections 901.71 and 901.72;

(b) at a distance of less than 100 feet (30 m) but not less than 16.4 feet (5 m) from another person except from a crew member or other person involved in the operation, measured horizontally and at any altitude, in accordance with paragraph 901.69(1)(b);

(c) at a distance of less than 16.4 feet (5 m) from another person, measured horizontally and at any altitude, in accordance with paragraph 901.69(1)(c); or

(d) within three nautical miles from the centre of an airport, or within one nautical mile from the centre of a heliport, in accordance with Section 901.73.

[SOR/2019-11, s. 23.]

### **901.63 Pilot Requirements**

**(1)** Subject to subsection (2), no person shall operate a remotely piloted aircraft system under this Division unless the person

(a) is at least 16 years of age; and

(b) holds a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations issued under Section 901.64.

**(2)** Subsection (1) does not apply to a person who is

(a) less than 16 years of age if the operation of the remotely piloted aircraft system is conducted under the direct supervision of a person who is 16 years of age or older and who can operate a remotely piloted aircraft system under this Division; or

(b) operating a remotely piloted aircraft system as part of a flight review in order to meet the requirement set out in paragraph 901.64(c).

[SOR/2019-11, s. 23.]

### **901.64 Issuance of Pilot Certificate - Small Remotely Piloted Aircraft (VLOS) - Advanced Operations**

The Minister shall, on receipt of an application, issue a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations if the applicant demonstrates to the Minister that the applicant

(a) is at least 16 years of age;

(b) has successfully completed the examination “Remotely Piloted Aircraft Systems - Advanced Operations” which is based on the standard entitled *Knowledge Requirements for Pilots of Remotely Piloted Aircraft Systems, 250 g up to and including 25 kg, Operating within visual line-of-sight (VLOS)*, TP 15263, published by the Minister and covers the subjects set out in Section 921.02 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS); and

(c) has, within 12 months before the date of application, successfully completed a flight review in accordance with Section 921.02 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS) conducted by a person qualified to conduct flight reviews under Section 901.82.

[SOR/2019-11, s. 23; SOR/2021-152, s. 13(F).]

### **901.65 Recency Requirements**

**(1)** No holder of a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations shall operate a remotely piloted aircraft system under this Division unless the holder has, within the 24 months preceding the flight,

(a) been issued a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations under Section 901.64; or

(b) successfully completed



- (i) either of the examinations referred to in paragraphs 901.55(b) and 901.64(b),
- (ii) a flight review referred to in paragraph 901.64(c), or
- (iii) any of the recurrent training activities set out in Section 921.04 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

**(2)** The person referred to in subsection (1) shall keep a record of all activities completed in accordance with paragraph (1)(b), including the dates on which they were completed, for at least 24 months after the day on which they were completed.

[SOR/2019-11, s. 23; SOR/2021-152, s. 14(F).]

### **901.66 Access to Certificate and Proof of Recency**

No pilot shall operate a remotely piloted aircraft system under this Division unless both of the following are easily accessible during the operation of the system:

- (a) the pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations issued under Section 901.64; and
- (b) documentation demonstrating that the pilot meets the recency requirements set out in Section 901.65.

[SOR/2019-11, s. 23.]

### **901.67 Examination Rules**

No person shall commit an act referred to in paragraphs 901.58(a) to (c) in respect of an examination taken under this Division.

[SOR/2019-11, s. 23.]

### **901.68 Retaking of an Examination or Flight Review**

A person who fails an examination or a flight review taken under this Division is ineligible to retake the examination or flight review for a period of 24 hours after the examination or review.

[SOR/2019-11, s. 23.]

### **901.69 Manufacturer Declaration - Permitted Operations**

**(1)** Subject to subsection (2), no pilot shall operate a remotely piloted aircraft system under this Division to conduct any of the following operations unless a declaration under Section 901.76 has been made in respect of that model of system and the certificate of registration issued in

respect of the aircraft specifies the operations for which the declaration was made:

- (a) operations in controlled airspace;
- (b) operations at a distance of less than 100 feet (30 m) but not less than 16.4 feet (5 m) from another person except from a crew member or other person involved in the operation, measured horizontally and at any altitude; or
- (c) operations at a distance of less than 16.4 feet (5 m) from another person, measured horizontally and at any altitude.

**(2)** A pilot may operate a remotely piloted aircraft system under this Division to conduct the operations referred to in paragraphs (1)(a) and (b) if, before April 1, 2019, the model of system was determined by the Minister to meet the requirements set out in Appendix C - Criteria for a Compliant Small UAV System Design of *Staff Instruction* (SI) No. 623-001, published by the Minister on November 19, 2014.

[SOR/2019-11, s. 23.]

### **901.70 Operation of a Modified Remotely Piloted Aircraft System**

If a declaration has been made under Section 901.76 in respect of a model of remotely piloted aircraft system for any operation referred to in subsection 901.69(1), no pilot shall conduct any of those operations using a system of that model if the system has been modified in any way, unless

- (a) the pilot is able to demonstrate to the Minister that, despite the modification, the system continues to meet the technical requirements set out in Standard 922 - RPAS Safety Assurance applicable to the operations referred to in subsection 901.69(1) for which the declaration was made; and
- (b) if applicable, the modification was performed according to the instructions of the manufacturer of the part or equipment used to modify the system.

[SOR/2019-11, s. 23.]

### **901.71 Operations in Controlled Airspace**

**(1)** No pilot shall operate a remotely piloted aircraft in controlled airspace under this Division unless the following information is provided to the provider of air traffic services in the area of operation before a proposed operation and an authorization has been issued by that provider:

- (a) the date, time and duration of the operation;

- (b) the category, registration number and physical characteristics of the aircraft;
- (c) the vertical and horizontal boundaries of the area of operation;
- (d) the route of the flight to access the area of operation;
- (e) the proximity of the area of operation to manned aircraft approaches and departures and to patterns of traffic formed by manned aircraft;
- (f) the means by which two-way communications with the appropriate air traffic control unit will be maintained;
- (g) the name, contact information and pilot certificate number of any pilot of the aircraft;
- (h) the procedures and flight profiles to be followed in the case of a lost command and control link;
- (i) the procedures to be followed in emergency situations;
- (j) the process and the time required to terminate the operation; and
- (k) any other information required by the provider of air traffic services that is necessary for the provision of air traffic management.

**(2)** Despite Section 901.25, a pilot may operate a remotely piloted aircraft in controlled airspace under this Division at an altitude above those referred to in that Section if an authorization to that effect has been issued by the provider of air traffic services in the area of operation.

[SOR/2019-11, s. 23.]

### **901.72 Compliance with Air Traffic Control Instructions**

The pilot of a remotely piloted aircraft operating in controlled airspace under this Division shall comply with all of the air traffic control instructions directed at the pilot.

[SOR/2019-11, s. 23.]

### **901.73 Operations at or in the Vicinity of an Airport or Heliport - Established Procedure**

No pilot shall operate a remotely piloted aircraft system under this Division if the aircraft is within three nautical miles from the centre of an airport or within one nautical mile from the centre of a heliport unless the operation is conducted in accordance with the established procedure with respect to the use of remotely piloted aircraft systems applicable to that airport or heliport.

## **901.74 and 901.75 Reserved**

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### **Division VI - Advanced Operations - Requirements for Manufacturer**

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#### **901.76 Manufacturer Declaration**

**(1)** For each model of remotely piloted aircraft system that is intended to conduct any of the operations referred to in subsection 901.69(1), the manufacturer shall provide the Minister with a declaration in accordance with subsection (2), except in the case of a model referred to in subsection 901.69(2) and that is intended to conduct any of the operations referred to in that subsection.

**(2)** The manufacturer's declaration shall

(a) specify the manufacturer of the remotely piloted aircraft system, the model of the system, the maximum take-off weight of the aircraft, the operations referred to in subsection 901.69(1) that the aircraft is intended to undertake and the category of aircraft, such as a fixed-wing aircraft, rotary-wing aircraft, hybrid aircraft or lighter-than-air aircraft;

(b) indicate that the manufacturer

(i) declares that it meets the documentation requirements set out in Section 901.78, and

(ii) has verified that the system meets the technical requirements set out in Standard 922 - RPAS Safety Assurance applicable to the operations referred to in subsection 901.69(1) for which the declaration was made.

**(3)** The manufacturer's declaration is invalid if

(a) the Minister has determined that the model of remotely piloted aircraft system does not meet the technical requirements set out in the standard referred to in subparagraph

(2)(b)(ii); or

(b) the manufacturer has notified the Minister of an issue related to the design of the model under Section 901.77.

#### **901.77 Notice to the Minister**

A manufacturer that has made a declaration to the Minister under Section 901.76 shall notify the Minister of any issue related to the design of the model of remotely piloted aircraft system that results in the system no longer meeting the technical requirements set out in the standard referred to in subparagraph 901.76(2)(b)(ii), as soon as possible after the issue is identified.

[SOR/2019-11, s. 23.]

### **901.78 Documentation**

A manufacturer that has made a declaration to the Minister in respect of a model of remotely piloted aircraft system under Section 901.76 shall make available to each owner of that model of system

- (a) a maintenance program that includes
  - (i) instructions related to the servicing and maintenance of the system, and
  - (ii) an inspection program to maintain system readiness;
- (b) any mandatory actions the manufacturer issues in respect of the system; and
- (c) a remotely piloted aircraft system operating manual that includes
  - (i) a description of the system,
  - (ii) the ranges of weights and centres of gravity within which the system may be safely operated under normal and emergency conditions and, if a weight and centre of gravity combination is considered safe only within certain loading limits, those limits and the corresponding weight and centre of gravity combinations,
  - (iii) with respect to each flight phase and mode of operation, the minimum and maximum altitudes and velocities within which the aircraft can be operated safely under normal and emergency conditions,
  - (iv) a description of the effects of foreseeable weather conditions or other environmental conditions on the performance of both the system and the pilot,
  - (v) the characteristics of the system that could result in severe injury to crew members during normal operations,
  - (vi) the design features of the system, and their associated operations, that are intended to protect against injury to persons not involved in the operations,

- (vii) the warning information provided to the pilot in the event of a degradation in system performance that results in an unsafe system operation condition,
- (viii) procedures for operating the system in normal and emergency conditions, and
- (ix) assembly and adjustment instructions for the system.

[SOR/2019-11, s. 23; SOR/2021-152, s. 15(F).]

### **901.79 Record-keeping**

**(1)** A manufacturer that has made a declaration to the Minister in respect of a model of remotely piloted aircraft system under Section 901.76 shall keep, and make available to the Minister on request,

- (a) a current record of all mandatory actions in respect of the system; and
- (b) a current record of the results of, and the reports related to, the verifications that the manufacturer has undertaken to ensure that the model of the system meets the technical requirements set out in the standard referred to in subparagraph 901.76(2)(b)(ii) applicable to the operations for which the declaration was made.

**(2)** The manufacturer shall keep the records referred to in subsection (1) for the greater of

- (a) two years following the date that manufacturing of that model of remotely piloted aircraft system permanently ceases, and
- (b) the lifetime of the remotely piloted aircraft that is an element of the model of system referred to in paragraph (a).

[SOR/2019-11, s. 23.]

### **901.80 and 901.81 Reserved**

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## **Division VII - Requirements Related to Flight Review**

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### **901.82 Prohibition - Flight Reviewer**

No person shall perform the duties of a flight reviewer for the purposes of subparagraph 901.56(1)(b)(ii), paragraph 901.64(c) or subparagraph 901.65(1)(b)(ii) unless that person

- (a) holds a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations

endorsed with a flight reviewer rating under Section 901.83; and

(b) is able to demonstrate that they are affiliated with a training provider that has made a declaration to the Minister in accordance with the requirements of Section 921.05 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

[SOR/2019-11, s. 23.]

### **901.83 Flight Reviewer Rating**

The Minister shall, on receipt of an application, endorse the applicant's pilot certificate with a flight reviewer rating if the applicant demonstrates to the Minister that the applicant

(a) is at least 18 years of age;

(b) holds a pilot certificate - small remotely piloted aircraft (VLOS) - advanced operations issued under Section 901.64 and meets the recency requirements set out in Section 901.65;

(c) has held the certificate referred to in paragraph (b) for at least six months immediately before the date of application; and

(d) has successfully completed the examination "Remotely Piloted Aircraft Systems - Flight Reviewers" which is based on the standard entitled *Knowledge Requirements for Pilots of Remotely Piloted Aircraft Systems, 250 g up to and including 25 kg, Operating within visual line-of-sight (VLOS)*, TP 15263, published by the Minister and covers the subjects set out in Section 921.03 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

[SOR/2019-11, s. 23; SOR/2021-152, s. 16(F).]

### **901.84 Examination Rules**

No person shall commit an act referred to in paragraphs 901.58(a) to (c) in respect of an examination taken under paragraph 901.83(d).

[SOR/2019-11, s. 23.]

### **901.85 Retaking of Examination**

A person who fails an examination taken under paragraph 901.83(d) is ineligible to retake the examination for a period of 24 hours after the examination.

[SOR/2019-11, s. 23.]

### **901.86 Training Provider Requirements**

When a training provider has made a declaration to the Minister referred to in paragraph 901.82(1)(b), the provider shall

(a) submit to the Minister the name of any person that is affiliated with the provider and who intends to perform the duties of a flight reviewer;

(b) ensure that the person referred to in paragraph (a) conducts flight reviews in accordance with Section 901.87; and

(c) if the person referred to in paragraph (a) ceases to be affiliated with the provider, notify the Minister of that fact within seven days after the day on which the affiliation ceases.

[SOR/2019-11, s. 23.]

### **901.87 Conduct of Flight Reviews**

No person shall conduct a flight review for the purposes of subparagraph 901.56(1)(b)(ii), paragraph 901.64(c) or subparagraph 901.65(1)(b)(ii) unless the review is conducted in accordance with Section 921.06 of Standard 921 - Small Remotely Piloted Aircraft in Visual Line-of-Sight (VLOS).

[SOR/2019-11, s. 23.]

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## **Subpart 2 - Reserved**

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## **Subpart 3 - Special Flight Operations - Remotely Piloted Aircraft Systems**

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### **903.01 Prohibition**

No person shall conduct any of the following operations using a remotely piloted aircraft system that includes a remotely piloted aircraft having a maximum take-off weight of 250 g (0.55 pounds) or more unless the person complies with the provisions of a special flight operations certificate - RPAS issued by the Minister under Section 903.03:

(a) the operation of a system that includes a remotely piloted aircraft having a maximum take-off weight of more than 25 kg (55 pounds);



- (b) the operation of a system beyond visual line-of-sight, as referred to in subsection 901.11(2);
- (c) the operation of a system by a foreign operator or pilot who has been authorized to operate remotely piloted aircraft systems by the foreign state;
- (d) the operation of a remotely piloted aircraft at an altitude greater than those referred to in subsection 901.25(1), unless the operation at a greater altitude is authorized under subsection 901.71(2);
- (e) the operation of more than five remotely piloted aircraft at a time from a single control station, as referred to in subsection 901.40(2);
- (f) the operation of a system at a special aviation event or at an advertised event, as referred to in Section 901.41;
- (g) the operation of a system when the aircraft is transporting any of the payloads referred to in subsection 901.43(1);
- (h) the operation of a remotely piloted aircraft within three nautical miles of an aerodrome operated under the authority of the Minister of National Defence, as referred to in subsection 901.47(3); and
- (i) any other operation of a system for which the Minister determines that a special flight operations certificate - RPAS is necessary to ensure aviation safety or the safety of any person.

[SOR/2019-11, s. 23.]

### **903.02 Application for Special Flight Operations Certificate - RPAS**

A person who proposes to operate a remotely piloted aircraft system for any operation set out in Section 903.01 shall apply to the Minister for a special flight operations certificate - RPAS with regard to that operation by submitting the following information to the Minister at least 30 working days before the date of the proposed operation:

- (a) the legal name, trade name, address and contact information of the applicant;
- (b) the means by which the person responsible for the operation or the pilot may be contacted directly during operations;
- (c) the operation for which the application is made;

- (d) the purpose of the operation;
- (e) the dates, alternate dates and times of the operation;
- (f) the manufacturer and model of the system, including three-view drawings or photographs of the aircraft and a complete description of the aircraft, including performance, operating limitations and equipment;
- (g) a description of the safety plan for the proposed area of operation;
- (h) a description of the emergency contingency plan for the operation;
- (i) a detailed plan describing how the operation is to be carried out;
- (j) the names, certificates, licences, permits and qualifications of the crew members, including the pilots and visual observers, and the remotely piloted aircraft system maintenance personnel;
- (k) the instructions regarding the maintenance of the system and a description of how that maintenance will be performed;
- (l) a description of weather minima for the operation;
- (m) a description of separation and collision avoidance capability and procedures;
- (n) a description of normal and emergency procedures for the operation;
- (o) a description of air traffic control services coordination, if applicable; and
- (p) any other information requested by the Minister pertinent to the safe conduct of the operation.

[SOR/2019-11, s. 23; SOR/2021-152, s. 17(F).]

### **903.03 Issuance of Special Flight Operations Certificate - RPAS**

The Minister shall, on receipt of an application submitted in accordance with Section 903.02, issue a special flight operations certificate - RPAS if the applicant demonstrates to the Minister the ability to perform the operation without adversely affecting aviation safety or the safety of any person.

[SOR/2019-11, s. 23.]

[Effective 2019/01/09 - Previous Version Dated 1996/10/10]