

# Baggage Requirements for Domestic Services: A Guide

## I. Purpose

This guide explains what airlines must do to meet baggage requirements of the [Air Passenger Protection Regulations](#) for domestic services. In particular, it explains that:

- airlines operating domestic flights that are not captured by the [Montreal Convention](#) are liable in cases of lost, delayed or damaged baggage as though the Montreal Convention applied;
- airlines must refund all baggage fees for baggage that is lost, delayed or damaged; and
- airlines have additional obligations related to the transport of mobility aids.

The [Carriage by Air Act](#) sets out which international conventions have force of law in Canada in relation to airline liability for lost, damaged or delayed baggage, including those of the Montreal Convention (full name: Convention for the Unification of certain Rules for International Carriage by Air). The *Air Passenger Protection Regulations* apply the same rules to domestic flights. In case of any discrepancy between this guide and the Regulations, the latter prevail.

Annex A highlights key legislative and regulatory requirements related to baggage.

## II. Canadian Regulations and the Montreal Convention

The Montreal Convention establishes airline liability for lost, delayed and damaged baggage applicable to international carriage. The *Air Passenger Protection Regulations* apply the same rules and liability limits for lost, delayed and damaged baggage for domestic services.

### ***Liability limit***

The maximum liability for damages for baggage lost, damaged or delayed is 1,131 special drawing rights (SDR) per passenger.

- SDR is the International Monetary Fund's unit of accounting.
- 1,131 SDR equals approximately CAN\$2,100, subject to currency exchange rates.
- This amount could change over time. Every five years, the International Civil Aviation Organization reviews the liability limits to see whether they need to be adjusted for inflation.

### ***Baggage valued over the liability limit***

If a passenger's baggage is valued at more than the liability limit, the passenger may, prior to being transported, ask the airline for a special declaration of interest (excess valuation). If the airline agrees, it is then liable for the sum set out in the declaration.

Under the Montreal Convention, the airline may set a fee to make a special declaration of interest. The airline may also limit the value of baggage by refusing to carry anything valued over a certain amount or that may be of greater value. Airlines must outline these restrictions in their tariffs (terms and conditions of carriage).

Airlines should not use the provisions of the Montreal Convention in a way that restricts the accessibility of air transportation services to persons with disabilities.

### ***Time limits for making a claim***

The Montreal Convention imposes strict requirements for making a claim for lost, delayed or damaged baggage. The same requirements apply to passengers making a baggage claim with respect to domestic services, as follows:

- For lost or delayed baggage claims, a passenger must complain in writing to the airline within 21 days from the date the baggage should have been placed at their disposal.
- For damaged baggage claims, passengers must complain in writing to the airline within 7 days of the date they received the baggage.

### III. Baggage Fees

The *Air Passenger Protection Regulations* also include obligations regarding fees charged for baggage. When baggage has been lost, delayed or damaged, airlines must refund any optional baggage service fees the passenger purchased. This includes:

- standard baggage fees;
- fees for extra baggage; and
- fees for oversized oversize baggage.

The refund requirement does not apply to any baggage allowance included in a fare.

### IV. Mobility Aids

More and more Canadians are travelling with mobility aids. Although mobility aids are not specifically mentioned in the *Air Passenger Protection Regulations*, airlines are obligated, up to the point of undue hardship, to transport mobility aids and to repair, replace, or provide reimbursement for damaged, delayed, or lost mobility aids.

Passengers with disabilities who use mobility aids should consider completing the special declaration of interest (excess valuation) when travelling internationally.

To ensure the accessibility of air transportation services, airlines must not impose a fee for the transportation of mobility aids and should not impose a fee for special declarations related to mobility aids.

For more information, see the guidance on [Carriage of Mobility Aids On Board Planes, Trains and Ferries](#), and the [Accessible Transportation for Persons with Disabilities Regulations](#), which come into force in July 2020.

## **Annex A: Legislative and Regulatory References**

### ***Canada Transportation Act***

**86.11 (1)** The Agency shall, after consulting with the Minister, make regulations in relation to flights to, from and within Canada, including connecting flights,

(b) respecting the carrier's obligations in the case of flight delay, flight cancellation or denial of boarding, including

(i) the minimum standards of treatment of passengers that the carrier is required to meet and the minimum compensation the carrier is required to pay for inconvenience when the delay, cancellation or denial of boarding is within the carrier's control,

(ii) the minimum standards of treatment of passengers that the carrier is required to meet when the delay, cancellation or denial of boarding is within the carrier's control, but is required for safety purposes, including in situations of mechanical malfunctions,

(iii) the carrier's obligation to ensure that passengers complete their itinerary when the delay, cancellation or denial of boarding is due to situations outside the carrier's control, such as natural phenomena and security events, and

(iv) the carrier's obligation to provide timely information and assistance to passengers.

### ***Air Passenger Protection Regulations***

#### **Lost or damaged baggage**

**23 (1)** If a carrier admits to the loss of baggage, or if baggage is lost for more than 21 days or is damaged, the carrier must provide compensation equal to or greater than the sum of

(a) the fees paid for that baggage,

(b) in cases where the *Carriage by Air Act* applies, the compensation payable in accordance with that Act, and

(c) in cases where the *Carriage by Air Act* does not apply, the amount that would be payable by the carrier in accordance with the Convention for the Unification of Certain Rules for International Carriage by Air set out in Schedule VI to that Act, if the carrier were conducting international carriage of baggage within the meaning of paragraph 1 of Article 1 of that Convention.

## Temporary loss

(2) If baggage is lost for 21 days or less, the carrier must provide compensation equal to or greater than the sum of

(a) the fees paid for that baggage,

(b) in cases where the *Carriage by Air Act* applies, the compensation payable in accordance with that Act, and

(c) in cases where the *Carriage by Air Act* does not apply, the amount that would be payable by the carrier for delay in the carriage of baggage in accordance with the Convention for the Unification of Certain Rules for International Carriage by Air set out in Schedule VI to that Act, if the carrier were conducting international carriage of baggage within the meaning of paragraph 1 of Article 1 of that Convention.