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OFFICIAL LANGUAGES

Application for remedy under *Official Languages Act*, R.S.C., 1985 (4th Supp.), c. 31 (Act), s. 77 against respondent seeking declaratory relief, damages, letter of apology for respondent's non-compliance with its duties under Act — *Airport Transfer (Miscellaneous Matters) Act*, S.C. 1992, c. 5 allowing government to transfer airport to "designated airport authority", setting out terms, conditions for application of certain statutes to that authority — *Airport Transfer (Miscellaneous Matters) Act*, s. 4(1) providing for application of Act — Case herein arising from complaints made by applicant criticizing respondent for, *inter alia*, having exclusively English presence on social media, publishing press releases in English only, making certain documents on its website, including its annual reports, master plan, available in English only — Whether applicant establishing breach of Act at time of complaints — Respondent breached Act — Act, ss. 22, 23 respectively requiring respondent's head or central office to communicate with the public in both official languages, airport to provide services to travelling public in both languages — In principle, airport authority having to comply with all provisions of parts of Act made applicable to it — Parliament deliberately using terms "authority", "airport" in s. 4(1) — Airport authorities treated like any other federal institution subject to Act — Words "as if [...] the airport were an office or facility of that institution, other than its head or central office" in s. 4(1) setting out presumption that airport considered to be an office, not the head office, regardless of where head office is located in relation to airport — Application of Act therefore not depending on whether head office of airport authority located on airport premises or elsewhere — Nothing to suggest in s. 4(1) that airport authorities lacking head office for purposes of Act, s. 22 — If airport having more than one million passengers per year, Act, s. 23 applying — In this case, St. John's Airport meeting criteria for significant demand only in respect of s. 23 — In determining whether a service or communication falls within scope of s. 23, question not whether it is "traveller-relevant" in sense that service or communication related to travel itself — Rather, question whether service or communication is offered or intended for travelling public, in sense that recipients or beneficiaries of service or communication are all or mainly members of travelling public — Respondent not disputing that when complaints filed, many pages on its website were not available in French or did not have content of equal quality in both languages — Also recognizing that "traveller-relevant information" should have been published in both languages on social media — Respondent breaching Act, s. 22 by publishing its annual reports, master plans only in English — Preparation, publication of annual reports, master plans, press releases functions closely connected to respondent's head office — Respondent breaching s. 22 by publishing these documents only in English — Framework developed by Supreme Court in *Vancouver (City) v. Ward*, 2010 SCC 27, [2010] 2 S.C.R. 28 used herein to determine whether appropriate, just to condemn respondent to pay damages — Respondent submitted that lack of personal injury precluded applicant from claiming damages on any grounds whatsoever — However, this position incompatible with structure of Act, functions of deterrence, vindication underlying award of damages under Act, s. 77 — Respondent's narrow view making it practically impossible to award damages, discouraging parties from resorting to s. 77 — In present case, award of damages serving deterrence — In light of all circumstances, appropriate, just to order respondent to pay damages to applicant — Application allowed.

THIBODEAU V. ST. JOHN'S INTERNATIONAL AIRPORT AUTHORITY (T-1023-19, 2022 FC 563,
Grammond J., reasons for judgment dated April 21, 2022, 37 pp.)