

TRAVEL AGENCY COMMISSIONER - AREA 1
VERÓNICA PACHECO-SANFUENTES
110 – 3083 West 4th Avenue
Vancouver, British Columbia V6K 1R5
CANADA

DECISION – May 21st, 2018

In the matter of:

Natal Travel Turismo e Viagens

IATA Code 57-5 5793

Brazil

Represented by its Managing Director Ms. Carmen Medeiros

The Agent

vs.

International Air Transport Association (“IATA”)

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by the Accreditation Manager, Mrs. Olena Dovgan

The Respondent

I. THE CASE

The issue at hand is that the Agent forgot to make the payment on time and was served with a Notice of Irregularity and a bank guarantee was requested by IATA after the incident.

The Agent has requested the application of the Minor Error Rule ("MER") in order to avoid having to provide the requested BG, even though the irregularity will remain on its record. The Agent accepts its responsibility in the late payment.

It seems, from her submissions, that her bank statements have not been able to be read or understood properly by IATA, and, hence, the MER has been denied.

While this review procedure took place, this Office granted interim relief in the Agent's favour, which was duly executed by IATA.

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II. ORAL HEARING

In the opinion of this Commissioner, as per Resolution 820e, s. 2.3, an oral hearing was not deemed necessary. Ample opportunity was given to the Parties to present their submissions and evidence accordingly. They both made good use of this opportunity. Therefore, this decision is based on that written documentation only.

III. CONSIDERATIONS AND DECISION

I have examined both Parties' submissions, particularly the Agent's, as well as the evidence provided, specifically the email issued by the *Banco do Brasil's* representative (in charge of the Agent's account) where it confirms the Agent's statements as of the type of account that it has at that financial institution and the fact that the account was sufficiently funded by Due Date.

Based on those facts, proven by the evidence on file, I am satisfied with the Agent's assertions in terms of having the funds available to cover in full its BSP Sales Report, therefore,

- the benefit of the Minor Error Rule application should be granted to this Agent and, hence,
- even though the irregularity due to the late payment shall remain in its records, the bank guarantee that was originally requested by IATA is hereby waived. The Agent shall NOT provide any financial security as a result of this late payment.

This decision has an immediate effect.

Decided in Vancouver, the 21st day of May 2018.



In accordance with Resolution 820e § 2.10, any Party may ask for an interpretation or correction of any error, which the Party may find relevant to this decision. The time frame for these types of requests will be 15 days after receipt of the electronic version of this document (meaning no later than **June 5th, 2018**).

Both Parties are also hereby advised that, unless I receive written notice from either one of you before the above mentioned date, this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification,

interpretation or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

If after having asked for and obtained clarification or correction of this decision, any Party still considers aggrieved by it, as per Resolution 820e § 4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 § 14, once the above-mentioned time frame would have elapsed.