



Ottawa, April 26, 2024 – Justice Sébastien Grammond of the Federal Court issued a decision today in file T-656-24:

**IN THE MATTER OF
CHRONO AVIATION INC., CHRONO JET INC., 9266-4325 QUÉBEC
INC., 9351-7399 QUÉBEC INC., AVIONIQUE WAAS INC., LUX AIR
SERVICES INC.**

v.

**THE ATTORNEY GENERAL OF CANADA and THE MINISTER OF
TRANSPORT OF CANADA**

and

**DÉVELOPPEMENT DE L'AÉROPORT SAINT-HUBERT DE
LONGUEUIL**

Summary: The Federal Court has dismissed the motion brought by Chrono Aviation to stay the coming into force of the Minister of Transport's decision to ban certain night flights at the Saint-Hubert Airport.

Relying on the provisions of the *Canadian Aviation Regulations*, the Minister of Transport made the decision to prohibit take-offs and landings of Boeing 737-200 aircraft during the night at the Saint-Hubert Airport as of April 1, 2024.

Chrono Aviation, which conducts such take-offs and landings on a regular basis, applied for judicial review of that decision and for a stay of its coming into force until the Court rules on the merits of the case.

Chrono Aviation alleges that the night-flight ban will prevent it from fulfilling the obligations flowing from a major contract with Baffinland Iron Mines for the carriage of employees and supplies to a mine located in Nunavut. According to Chrono Aviation, the ban will result in the termination of the contract that is its main source of income, which will expose it to legal proceedings and likely force it into bankruptcy.

In the order issued today, the Court dismissed the motion for a stay. This means that the Minister's decision can come into force immediately even though Chrono Aviation is challenging its validity. The motion for a stay was dismissed because Chrono Aviation failed to demonstrate that the immediate coming into force of the night-flight ban would cause it irreparable harm. More specifically, it did not show that there are no alternative solutions to night flights, nor that it would lose the contract awarded by Baffinland Iron Mines. Furthermore, the public interest in reducing the noise caused by Chrono Aviation's operations favours the dismissal of the motion for a stay.

In so deciding, the Court is not ruling on the validity of the Minister's decision. This issue will be addressed at a later time, when the Court hears Chrono Aviation's application for judicial review.

The decision has been posted on the [News Bulletins](#) page of the Federal Court's website.