

LOCAL INTERNATIONAL CHARTER TARIFF

1st Revised Title Page

LOCAL INTERNATIONAL CHARTER TARIFF
CONTAINING
RULES, RATES AND CHARGES APPLICABLE
TO THE CHARTER OF AIRCRAFT
FOR THE
TRANSPORTATION OF PASSENGERS AND BAGGAGE OR GOODS
BETWEEN
POINTS IN CANADA ON THE ONE HAND
AND
POINTS OUTSIDE CANADA ON THE OTHER HAND

OTC/CTA
DGTATA/AATB
JAN 11 2007
DSM...MIAT
...CD

ISSUE DATE
January 10, 2007

ISSUED BY
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EFFECTIVE DATE
January 11, 2007
SP# 96169

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CHECK SHEET

Original and revised pages as named below contain all changes from the original tariff

effective as of the date shown thereon:

<u>Page Number</u>	<u>Number of Revision</u>	<u>Page Number</u>	<u>Number of Revision</u>
Title	1 st	9	1 st
1	"	10	"
2	"	11	"
3	"	12	"
4	"	13	"
5	"	14	"
6	"	15	"
7	"		
8	"		

CTA
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JAN 17 2007

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**EXPLANATION OF ABBREVIATIONS,
REFERENCE MARKS AND SYMBOLS**

CTA(A)Canadian Transportation Agency

IATAInternational Air Transport Association

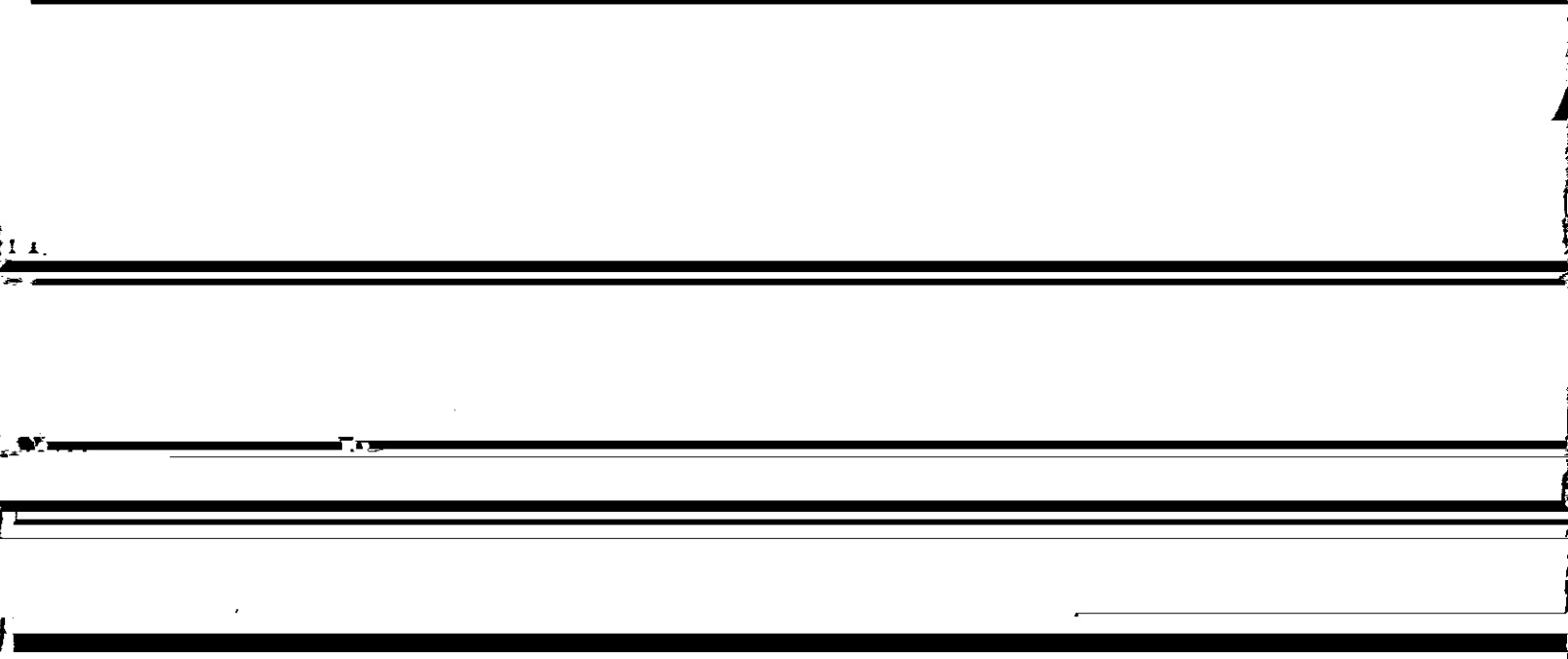


\$Dollar(s)

(R)Denotes reductions

(A)Denotes increases

(C)Denotes changes which result in neither increases or reductions



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RULE 1. DEFINITIONS

"Baggage" means luggage or such articles, effects or other personal property of a passenger or passengers as are necessary or appropriate for wear, use, comfort or convenience in connection with the charter flight.

"Canada" means the ten provinces of Canada, the Yukon Territory, the Districts and Islands comprising the Northwest Territories of Canada and Nunavut.

"Carrier" means Kenmore Air Harbor, Inc. c/o/b Kenmore Air and
Kenmore Air Express.

"Charter Flight" means the movement of an aircraft transporting the charterer's passengers, baggage or goods from the point of take off to the first point of landing thereafter (intermediate technical or fuel stops excepted).

"Charterer" means a person, firm, corporation, association, partnership, company or other legal entity who agrees to hire the complete capacity of one or more aircraft of the carrier for the transportation of passengers and baggage or goods and/or property from a

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"Goods" means anything that can be transported by air including animals but does not include mail other than in plane load lots.

"Montreal Convention" means the *Convention for the Unification of Certain Rules for International Carriage by Air*, signed at Montreal, May 28, 1999.

"Origin" means the point from which a charter flight commences with the passengers or goods to be transported.

"Passenger" means any person, except members of the crew, carried or to be carried in
[REDACTED]

on aircraft with the consent of the carrier pursuant to a charter agreement
[REDACTED]

"SDR" means Special Drawing Rights issued by the International Monetary Fund.

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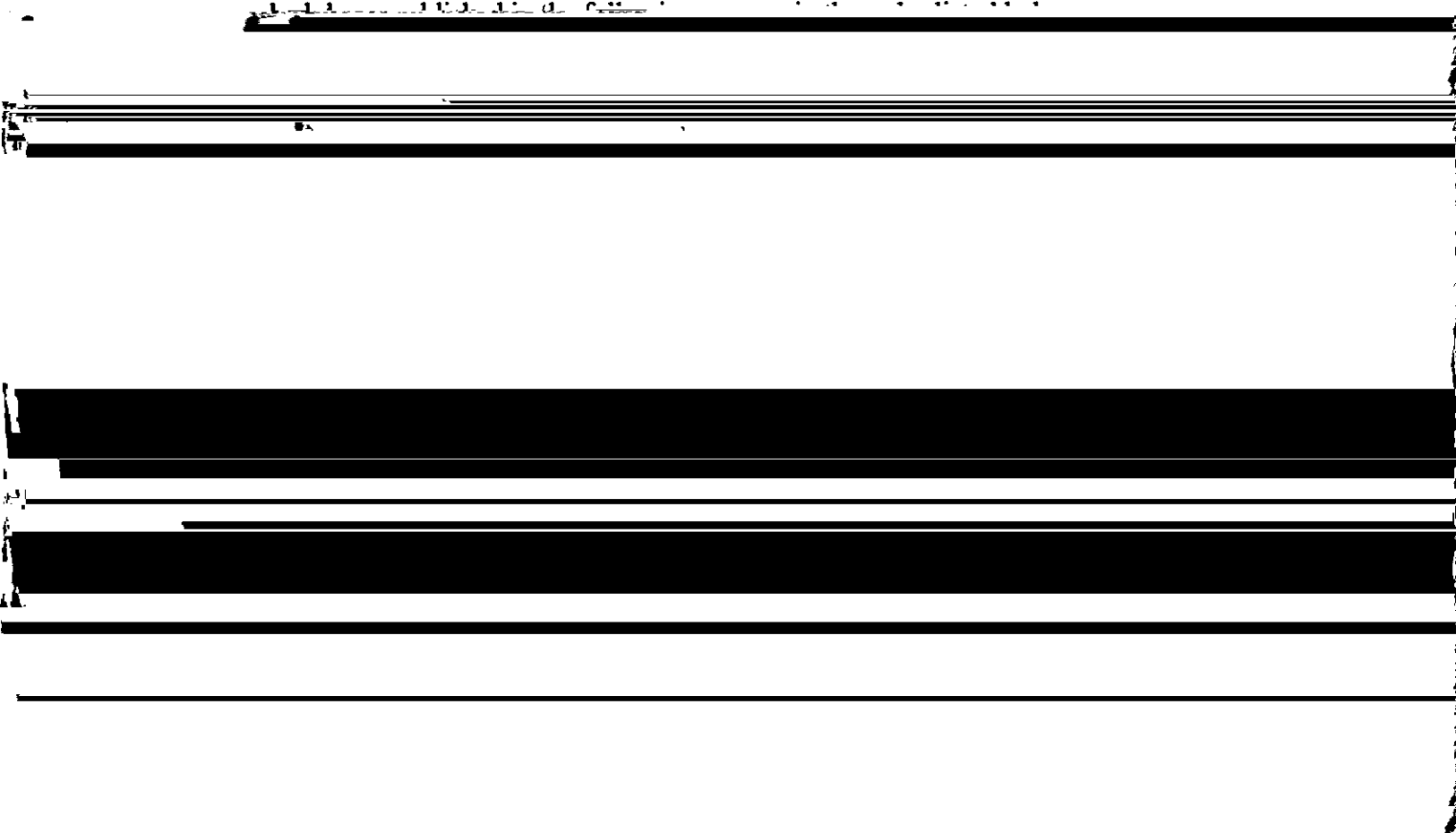
- (d) The contents of this tariff form part of the charter contract between the carrier and the charterer and in the event of any conflict between this tariff and the charter contract this tariff shall prevail unless departure from the tariff has been authorized by the CTA(A).

RULE 3. CURRENCY

Rates and charges are published in the lawful currency of Canada. Where payment for Canadian originating charters is made in any currency other than Canadian, the resulting charges shall be the equivalent of the Canadian dollar amounts published in this tariff on the basis of the local banker's rate of exchange as calculated on the date of signing the charter agreement.

RULE 4. CHARTER AND FERRY MILEAGE DETERMINATION

For the purpose of computing rates and charges herein, the charter rates are calculated on an hourly basis the mileage to be used, including both charter and ferry (if any) mileage, will be the shortest mileage covering the actual airport to airport great circle mileage of the agreed charter flight or flights, to be performed in accordance with the agreed flight



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- (a) An amount determined by multiplying the hours or fraction thereof of charter flight(s), times the applicable hourly charter rate provided for in the charter agreement.

An amount determined by multiplying the distance of the charter flight(s)

determined in accordance with Rule 4 herein, times the applicable charter rate per

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- (g) The actual cost of all passenger and/or goods handling charges incurred by the carrier at airports other than the carrier's base.

request of the charterer.

RULE 6. CONDITIONS OF CARRIAGE

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- (ii) "Force Majeure", or any other causes not attributable to the willful misconduct of the carrier including accidents to, or failure of aircraft or any part thereof, of any machinery or apparatus used in connection therewith. Refusal of any Government or public body on whatsoever ground to grant the carrier any clearance, licence, right or other permission necessary to the performance of the carrier's charter agreement is deemed to be included in the term "Force Majeure". Provided, always, that in the event of such failure, the

of alternate means of transport.

- (e) The charterer will be charged for the complete capacity of the aircraft, regardless of the space to be utilized, provided that any space not utilized by the charterer may, with the written concurrence of the charterer and the approval of the CTA(A) be used by the carrier for the transportation of the carrier's own personnel or cargo or for employees of another air carrier travelling pursuant to a pass interchange

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(ii) The carrier will not assume any financial or guardianship responsibility for

unaccompanied children beyond those applicable to an adult passenger.

RULE 7. ACCEPTANCE OF BAGGAGE OR GOODS

(a) All baggage or goods presented for transportation is/are subject to inspection by the

carrier.

(b) Articles of baggage or goods will not be carried when such articles are likely to

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(b) If a portion of the agreed transportation has been completed, refund will be the difference between the rates and charges applicable to the completed portion and the full fare.

(c) to that portion of the agreed transportation completed, less any applicable cancellation charges, as specified in the charter agreement.

RULE 9. LIMITATION OF LIABILITY – PASSENGERS

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RULE 10. LIMITATION OF LIABILITY FOR BAGGAGE OR GOODS AND

EXCESS VALUATION CHARGES

For travel governed by the Montreal Convention

For the purpose of international carriage governed by the Montreal Convention, the liability rules set out in the Montreal Convention are fully incorporated herein and shall supersede

and prevail over any provisions of this tariff which may be inconsistent with those rules.

For travel governed by the Warsaw Convention

Carrier liability for the loss of, damage to or delay in the delivery of any personal property, including baggage which are carried as checked baggage and goods, is limited to the sum of

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- (a) converting francs into Special Drawing Rights at the rate of one Special Drawing Right for 15.075 francs; and
- (b) converting Special Drawing Rights into Canadian dollars ~~at the rate established by the International Monetary~~

The rate of exchange for converting Special Drawing Rights into Canadian dollars shall be the rate prevailing on the date on which the amount of any damage to be paid by the carrier is ascertained by a court or, in the event a settlement is agreed between carrier and claimant, on the date settlement is agreed.

NOTE: At the time of filing of this tariff provision, 250 francs convert to approximately CAD \$33.00 and 5000 francs convert to approximately CAD \$660. These converted values are provided for general reference only. Carrier's liability will be calculated for each claim individually, based on the formula set out in this Rule.

For travel governed by either the Montreal Convention or the Warsaw Convention

If the passenger or charterer does elect to declare a higher value an additional charge shall be payable and the carrier's liability will not exceed the higher value declared. The additional charge shall be calculated as follows:

- (a) The amount of the carrier's liability set out in the carriage by air act shall be referred to as "basic carrier liability";

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In the case of damage or partial loss, the carrier is entitled to delivery of the goods to the

carrier forthwith after discovery of the damage or partial loss, and, at the latest, within seven

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RULE 13. CANCELLATION CHARGES (*Not applicable to transportation between Canada and the United States*)

Cancellation by 5pm the day prior to flight. 50% of charter rate if cancelled after 5pm the day prior to flight.

RULE 14. TICKETS

N/A

RULE 15. PASSENGER RE-ROUTING

N/A

RULE 16. DENIED BOARDING COMPENSATION

N/A

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