TORONTO MAN CONSIDERS LEGAL ACTION AFTER AIR CANADA UNABLE TO FIT WHEELCHAIR ON PLANE

News / Airlines

A disabled Toronto man is considering legal action against Air Canada after the airline said it was unable to fly him to a U.S. city because the aircraft couldn't accommodate his motorized wheelchair.

Tim Rose, who has cerebral palsy, says the airline's lack of an accessible aircraft for his trip is a grave concern not just for himself, but for all people with disabilities.

The 31-year-old had booked a direct flight from Toronto to Cleveland for a date in September, but was told that his wheelchair was too big to fit in the plane's cargo area.

When he accused the airline of discriminating against him, Rose said a representative told him his wheelchair was akin to oversized luggage. Rose describes his wheelchair as one of average size.

Air Canada then promised to look into other options, Rose said, but the airline told him on Thursday that it just wouldn't be able to accommodate him.

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"It's absolutely not right that our largest national carrier can do this to people with disabilities," Rose told The Canadian Press in an interview. "I have just as much a right to fly to Cleveland as anyone else and Air Canada is now flat out denying me because of my disability."

A spokesman with Air Canada said the airline looked at a number of options for Rose -- including alternative routes and whether his wheelchair could be taken apart for the flight-- but was unable to find a solution that worked.

Rose said he asked the airline if it could provide him ground transportation to Cleveland, where he's been invited to speak about rights for people with disabilities, but was told that would not be possible.

The entire situation has left Rose considering taking legal action against the airline.

"This issue has pressed so close to me that I am willing to take this as far as I need to take it," he said. "I really want to get this story out there as much as possible, not just for myself but for all Canadians with disabilities and society in general."

Rose said he flew with Air Canada to Cleveland just last year with no problems.

This year, however, the type of airline flying that route is different, leading to Rose's problems.

Air Canada explained that its regional partner, which operates the 54-minute flight, previously flew a Dash-8 plane, with a cargo door big enough for Rose's wheelchair. This year, Air Canada switched partners to one that uses the CRJ jet, whose cargo door is too small.

The airline said it was unable to find Rose alternative routes to Cleveland through other carriers because they too use smaller planes.

"It is really a rare combination of the small cargo hold door and lack of alternative routings," said Air Canada spokesman Peter Fitzpatrick.

Cleveland is a U.S. domestic airport, said Fitzpatrick, with Air Canada's flights to and from Toronto being its only international routes.

"We understand Mr. Rose's disappointment and we will fully refund his money," Fitzpatrick said. "His situation is a regrettable anomaly...We take our commitment to accessible transportation very seriously."

But at least one observer said Rose's case is troubling.

"How many other flights globally have this problem?" asked Ing Wong-Ward, associate director of the Centre for Independent Living in Toronto, which is a disabilities resources organization. "Why is Air Canada allowed to buy planes that do not accommodate people with all kinds of disabilities?"

Wong-Ward, who uses a wheelchair herself, noted that it is more likely for those with wheelchairs to face some sort of issues while travelling than not.

"I don't know any airline in the world that has managed to have consistent and good customer service for travellers who use wheelchairs," she said. "If you damage someone's equipment or if you are unable to transport this equipment you're basically cutting off this person's mobility."

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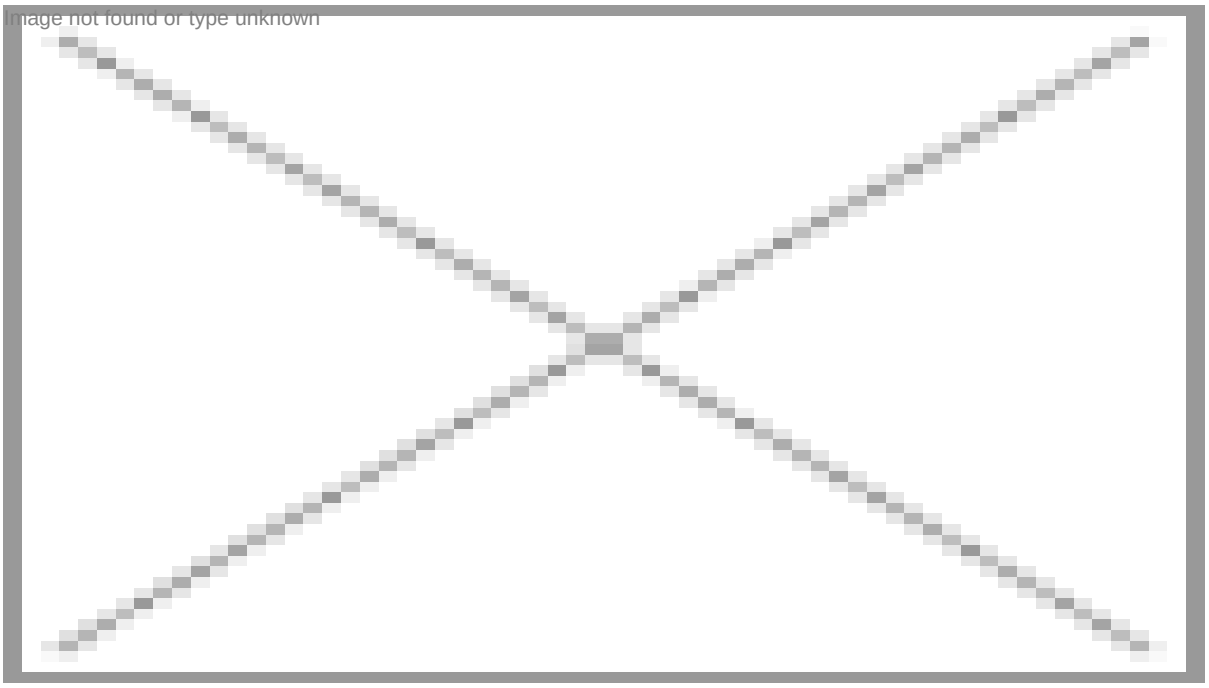

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