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CT-2005-006 (B-Filer Inc.)

Proceeding 1

B-Filer Inc., B-Filer Inc. doing business as Gpay Guaranteedpayment and Npay Inc. v. The Bank of Nova Scotia

Section(s):	103.1 - Leave to make application under section 75, 76 or 77
Filed on:	2005-06-20
Status:	Decided - 2005-11-04

Applicant(s):	B-Filer Inc. B-Filer Inc. doing business as Gpay Guaranteedpayment and Npay Inc.
Respondent(s):	The Bank of Nova Scotia

Panel Members	Simpson J.
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Case Documents

Pleading(s)

#	Title	Date
1a	Notice of Application for leave pursuant to section 103.1 of the Competition Act	2005-06-20
1b	Affidavit of Raymond F. Grace affirmed June 15, 2005	2005-06-20
2	Notice of Application pursuant to sections 75 and 77 of the Competition Act	2005-06-20
4	Letter of R.J. Taylor dated June 23, 2005 confirming that this matter is not or has not been the object of an inquiry by the Commissioner of Competition	2005-06-23
5	Notice from the Tribunal pursuant to section 103.1(5) of the Competition Act	2005-06-24
7a	Affidavit of Robert Rosatelli sworn July 12, 2005 in response to application for leave	2005-07-13
7b	Affidavit of David Metcalfe	2005-07-13
7c	Representations of The Bank of Nova Scotia in response to application for leave pursuant to section 103.1 of the Competition Act	2005-07-13
14	Reply to application for leave	2005-09-06
15	Second affidavit of Raymond F. Grace affirmed September 1, 2005 in support of reply	2005-09-06
16	Affidavit of Joseph Iuso affirmed August 29, 2005 in support of reply	2005-09-06
23	Responding affidavit of Robert Rosatelli sworn September 21, 2005	2005-09-21

Motion(s) and Related Document(s)

#	Title	Date
27	Notice of motion for summary disposition	2005-09-30

Decision(s)

#	Title	Date
34	Reasons and Order dismissing The Bank of Nova Scotia's motion for summary disposition	2005-10-14
35	Order granting leave to apply only under section 75	2005-11-04
41	Reasons for previous Order dated November 4, 2005, granting leave to apply only under 75 of the Competition Act	2005-11-14

Proceeding 2

B-Filer Inc., B-Filer Inc. doing business as GPay GuaranteedPayment and NPay Inc. v. The Bank of Nova Scotia

Section(s):	104 (75) - Interim Order (Refusal to Deal)
Filed on:	2005-06-20
Status:	Decided - 2005-12-14

Applicant(s):	B-Filer Inc. B-Filer Inc. doing business as GPay GuaranteedPayment and NPay Inc.
Respondent(s):	The Bank of Nova Scotia

Panel Members	Simpson J.
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Case Documents

Pleading(s)

#	Title	Date
3	Notice of Application for interim Order pursuant to section 104 of the Competition Act	2005-06-20
50	Affidavit of Christopher Mathers sworn November 23, 2005 (re: 104 Application)	2005-11-28
51	Affidavit of Stanley Sadinsky sworn November 22, 2005 (re: 104 Application)	2005-11-28
52	Affidavit of Alex Todd sworn November 25, 2005 (re: 104 Application)	2005-11-28
53	Affidavit of Colin Cook sworn November 23, 2005 (re: 104 Application)	2005-11-28
54	Affidavit of David Stafford sworn November 24, 2005 (re: 104 Application)	2005-11-28
55	Affidavit of Robert Rosatelli sworn November 25, 2005 (re: 104 Application)	2005-11-28
56	Affidavit of Douglas Monteath sworn November 25, 2005 (re: 104 Application)	2005-11-28
57	Affidavit of Ryan Woodrow sworn November 24, 2005 (re: 104 Application)	2005-11-28
68	Affidavit (third) of Patrick Healey affirmed December 2, 2005 (re: 104 Application)	2005-12-05
69	Affidavit of Aidan Hollis affirmed December 2, 2005 (re: 104 Application)	2005-12-05
70	Affidavit (third) of Raymond F. Grace sworn December 5, 2005 (re: 104 Application)	2005-12-05

Decision(s)

#	Title	Date
44	Scheduling Order	2005-11-14
48	Amended Scheduling Order	2005-11-18
63	Order allowing the filing Nunc Pro Tunc of Respondent's evidence	2005-12-01
82	Order dismissing the application for interim relief under section 104 of the Competition Act	2005-12-14
83	Reasons for the Order dated December 14, 2005 dismissing the application for	2005-12-14

	interim relief	
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Proceeding 3
B-Filer Inc., B-Filer Inc. doing business as GPay GuaranteedPayment and NPay Inc. v. The Bank of Nova Scotia

Section(s):	75 - Refusal to deal
Filed on:	2005-11-04
Status:	Decided - 2006-12-20

Applicant(s):	B-Filer Inc. B-Filer Inc. doing business as GPay GuaranteedPayment and NPay Inc.
Respondent(s):	The Bank of Nova-Scotia

Hearing Date:	2006-08-28
Hearing Location:	Ottawa
Panel Members	Dawson J. Dr. Csorgo Mr. Bolton

Case Documents

Pleading(s)		
#	Title	Date
2a	Amended notice of application pursuant to sections 75 of the Competition Act (deemed to be filed as of date of the Reasons and Order allowing B-Filer's motion to amend its notice of application and statement of grounds and material of facts)	2006-05-24
50	Affidavit of Christopher Mathers	2005-11-28
105	Response to amended notice of application	2006-06-22
124	Affidavit of James F. Dingle	2006-08-04
133	Affidavit of Jack J. Bensimon	2006-08-21
135	Reply affidavit of James F. Dingle	2006-08-25
137	Reply affidavit of Christopher Mathers	2006-08-25
197	Affidavit of Frank Mathewson	2007-12-14
198	Reply affidavit of Frank Mathewson	2007-12-14
200	Affidavit of Dr. Lawrence P. Schwartz	2008-01-07

Motion(s) and Related Document(s)		
#	Title	Date
93a	Notice of motion to amend the pleadings	2006-03-24
93b	Memorandum of fact and law (motion to amend the pleadings)	2006-03-24
94a	Memorandum of fact and law of Bank of Nova Scotia	2006-03-31
94b	Memorandum of fact and law in response of the motion to amend the pleadings	2006-03-31
95	Memorandum of fact and law (in reply)	2006-04-06

Decision(s)

#	Title	Date
85	Order setting the date of the hearing	2006-01-13
92	Amended hearing Order	2006-02-17
98	Reasons and Order allowing B-Filer's motion to amend its notice of application and statement of grounds and material of facts	2006-05-24
104	Scheduling Order following a case management teleconference held June 15,2006	2006-06-16
115	Confidentiality Order - on consent of the parties	2006-08-01
0128	Order relating to matters considered at the hearing management conference of August 18, 2006	2006-08-21
148	Order regarding Applicant's motion to declare the affidavit of Stanley Sadinsky inadmissible	2006-09-22
149	Order re Respondent's motion to amend its response to the amended notice of application	2006-09-26
159	Public version of confidential Reasons for Order	2006-12-20
160	Direction with respect to cost	2007-01-22
165	Direction granting till February 28, 2007 for the parties to reach an agreement with respect to cost	2007-02-21
168	Order dismissing the application and setting out a schedule for the filing of written submissions on costs	2007-03-23
188	Preliminary Reasons for Order and Order regarding costs	2007-08-24
196	Final Order as to costs	2007-11-15

Other(s)

#	Title	Date
166	Email of L. Constantine, counsel for the Bank of Nova Scotia advising the Tribunal that the parties have been unable to reach an agreement on the issues of costs	2007-02-28
170	Notice of change of solicitor	2007-03-29
190	Further costs submissions of the Respondent	2007-09-07
192	Applicants' responding costs submissions	2007-09-21
193	Respondent's reply costs submissions	2007-10-01
199	Expert affidavit of Dr. Lawrence P. Schwartz	2008-01-07