

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v Vancouver Airport Authority*, 2017 Comp Trib 20

File No.: CT-2016-015

Registry Document No.: 163

**IN THE MATTER OF** an application by the Commissioner of Competition for one or more orders pursuant to section 79 of the *Competition Act*, RSC 1985, c C-34 as amended;

**AND IN THE MATTER OF** a case management conference requested by the Vancouver Airport Authority regarding the timetable for filing any motion arising from its further examination for discovery of the Commissioner's representative, pursuant to the Amended Scheduling Order dated December 6, 2017.

BETWEEN:

**The Commissioner of Competition**  
(applicant)

and

**Vancouver Airport Authority**  
(respondent)



Date of case management conference: December 15, 2017

Before Judicial Member: D. Gascon J. (Chairperson)

Date of Order: December 18, 2017

**ORDER TO FURTHER AMEND THE SCHEDULING ORDER FOR FILING ANY MOTION ARISING FROM THE FURTHER EXAMINATION FOR DISCOVERY OF THE COMMISSIONER'S REPRESENTATIVE**

[1] **FURTHER TO** the application filed by the applicant, the Commissioner of Competition (“**Commissioner**”), against the respondent, Vancouver Airport Authority (“**VAA**”), pursuant to section 79 of the *Competition Act*, RSC, c C-34, as amended (“**Application**”);

[2] **AND FURTHER TO** VAA’s motion dated November 29, 2017, seeking an order from the Competition Tribunal (“**Tribunal**”); compelling the Commissioner to produce his representative for a further examination for discovery and amending the scheduling order currently in place in this Application (“**Motion**”);

[3] **AND FURTHER TO** the Tribunal’s Order and Reasons for Order dated December 6, 2017 granting VAA’s Motion in part, in terms of a circumscribed right to further examine the Commissioner’s representative and of an adjustment to the timetable for the disposition of the Application;

[4] **AND FURTHER TO** a Case Management Conference (“**CMC**”) requested by VAA and heard by the Tribunal on December 15, 2017, to discuss concerns related with the current schedule for filing a motion arising from its further examination of discovery of the Commissioner’s representative;

[5] **AND BEING** satisfied, further to the representations made by counsel for both parties at the CMC, that there are compelling reasons to slightly modify the existing schedule and that considerations of fairness justify granting additional time to VAA to file its motion materials;

**THE TRIBUNAL ORDERS THAT:**

[6] Any motion arising from the further examination for discovery of the Commissioner’s representative shall be filed by VAA with the Tribunal by 12:00 p.m. on Wednesday, December 20, 2017.

[7] The Commissioner’s responding material, including any affidavit, shall be filed with the Tribunal by 5:00 p.m. on Wednesday, December 20, 2017.

[8] Any cross-examination of the Commissioner’s affiant shall be conducted by VAA on Thursday, December 21, 2017.

[9] The motion will be heard by the Tribunal via teleconference in the afternoon on Friday, December 22, 2017, at a time to be specified by the Tribunal.

DATED at Ottawa, this 18<sup>th</sup> day of December 2017.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

**COUNSEL:**

For the applicant:

The Commissioner of Competition

Antonio Di Domenico

Jonathan Hood

Katherine Rydel

Ryan Caron

For the respondent:

Vancouver Airport Authority

Calvin S. Goldman, QC

Michael Koch

Julie Rosenthal

Ryan Cookson

Rebecca Olscher