

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v Vancouver Airport Authority*, 2018 Comp Trib 2
File No.: CT-2016-015
Registry Document No.: 183

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 convened to discuss the Tribunal's current schedule and upcoming hearing in light of the Federal Court of Appeal's decision, dated January 24, 2018, setting aside the Tribunal's Order dated April 24, 2017, and remitting the matter back to the Tribunal for redetermination.

BETWEEN:

The Commissioner of Competition
(applicant)

and

Vancouver Airport Authority
(respondent)



Date of case management conference: January 26, 2018
Before Judicial Member: D. Gascon J. (Chairperson)
Date of Order and Reasons for Order: January 29, 2018

ORDER SUSPENDING THE SCHEDULING ORDER AND ADJOURNING THE HEARING

[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 February 28, 2017, challenging the Commissioner’s claims of public interest privilege as a class privilege over certain documents in the Commissioner’s Affidavit of Documents;

[3] **AND FURTHER TO** the Tribunal’s decision, dated April 24, 2017, dismissing VAA’s motion challenging the Commissioner’s claims of public interest privilege as a class privilege;

[4] **AND FURTHER TO** VAA’s Notice of Appeal filed with the Federal Court of Appeal (“**FCA**”) on May 4, 2017;

[5] **AND FURTHER TO** the FCA’s decision, dated January 24, 2018, setting aside the Tribunal’s Order dated April 24, 2017, and remitting the matter back to the Tribunal for redetermination;

[6] **AND FURTHER TO** a Case Management Conference (“**CMC**”) convened by the Tribunal on January 26, 2018, to discuss the impact of the FCA’s decision on the Tribunal’s current scheduling order and on the hearing scheduled to start on February 6, 2018;

[7] **AND BEING** satisfied, further to the views expressed by counsel for both parties at the CMC, that there are compelling reasons to suspend the current scheduling order and to adjourn the hearing to a date to be determined by the Tribunal following consultations with the parties;

THE TRIBUNAL ORDERS THAT:

[8] The Tribunal hereby suspends the Scheduling Order currently in place in this matter, until a revised scheduling order shall be issued by the Tribunal, and adjourns the hearing scheduled to commence on February 6, 2018, to a date to be determined by the Tribunal following consultations with the parties.

DATED at Ottawa, this 29th day of January 2018.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL:

For the applicant:

The Commissioner of Competition

Jonathan Hood
Katherine Rydel
Ryan Caron
Antonio Di Domenico

For the respondent:

Vancouver Airport Authority

Calvin S. Goldman, QC
Michael Koch
Julie Rosenthal
Ryan Cookson
Rebecca Olscher
Richard Annan