

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Vancouver Airport Authority*, 2016 Comp. Trib.
16
File No.: CT-2016-015
Registry Document No.: 26

IN THE MATTER OF the *Competition Act*, RSC 1985, c C-34 as amended;

AND IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 79 of the *Competition Act*.

BETWEEN:

Commissioner of Competition
(applicant)

and

Vancouver Airport Authority
(respondent)



Date of case management conference: December 20, 2016.
Before Judicial Member: D. Gascon J. (Chairperson)
Date of Order: December 20, 2016

SCHEDULING ORDER

[1] **FURTHER TO** the notice of application filed by the Applicant, the Commissioner of Competition, against the Respondent, Vancouver Airport Authority, pursuant to section 79 of the Competition Act, RSC, c C-34, as amended;

[2] **AND FURTHER TO** the draft scheduling order provided by the parties on December 8, 2016 and to the discussions with counsel for both parties at a case management conference held on December 20, 2016;

[3] **AND WHEREAS** the Tribunal has examined the proposed scheduling order and is of the view that, with the various amendments agreed to by the parties at the case management conference, it is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp.);

THE TRIBUNAL ORDERS THAT:

[4] The schedule for the pre-hearing steps shall be as follows:

February 17, 2017	Service of Affidavits of Documents and delivery of documents by all Parties
February 28, 2017	Last day to file motions arising from Affidavits of Documents and/or productions
March 22, 2017	Hearing of any motions arising from Affidavits of Documents and/or productions and/or in respect of the scope of examinations for discovery
April 3, 2017	Deadline for delivery of any additional productions resulting from any Affidavits of Documents/production motions
April 10 – May 19, 2017	Examinations for discovery according to a schedule to be settled between counsel
June 16, 2017	Deadline for fulfilling answers to discovery undertakings
June 23, 2017	Last day for filing of motions arising from answers to undertakings and refusals
July 11, 2017	Mediation briefs due
July 12, 2017	Hearing of any motions arising from answers to undertakings or refusals
July 25-27, 2017	Mediation

July 31, 2017	Last day for follow-up examinations for discovery
September 20, 2017	Applicant to serve documents relied upon and witness statements, and to serve and file expert reports, if any
October 9, 2017	Applicant to serve list of documents proposed to be admitted without further proof
October 20, 2017	Respondent to serve documents relied upon and witness statements, and to serve and file expert reports, if any
October 26, 2017	Deadline for delivering any Requests for Admissions
November 3, 2017	Applicant to serve list of reply documents and witness statements, and to serve and file reply expert reports, if any
	Last day to file motions for Summary Disposition and/or any motions related to the evidence
November 10, 2017	Deadline to provide documents to the Tribunal for use at the hearing (e.g., Briefs of Authorities, witness statements and Agreed Books of Documents)
	Deadline for responding to any Requests for Admissions
November 14, 2017	Hearing of any motions for Summary Disposition and/or any motions related to the evidence.

[5] The motions shall be heard in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa.

[6] The mediation shall be held in Ottawa at the Competition Tribunal, Suite 600 at 90 Sparks Street, starting at 10:00 am on July 25, 2017.

[7] The evidentiary portion of the hearing of this application shall commence at 10:00 am on November 20, 2017 in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa. The schedule shall be as follows:

November 20 - 23, 2017	First week of hearing (4 days in Ottawa)
November 27-30, 2017	Second week of hearing (4 days in Vancouver)
December 4-7, 2017	Third week of hearing (4 days in Ottawa)

[8] The Tribunal will hear oral argument from December 18, 2017 to December 20, 2017 in Ottawa.

DATED at Ottawa, this 20th day of December 2016.

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

For the respondent:

Vancouver Airport Authority

Calvin S. Goldman
Richard Annan
Michael Koch