

**FILED / PRODUIT**

Date: October 21, 2009  
CT- 2008-006

for / pour  
REGISTRAR / REGISTRAIRE

File No.: CT- 2008-006

OTTAWA, ONT.

0055

**COMPETITION TRIBUNAL**

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

**IN THE MATTER OF** an application by the Canadian Standard Travel Agent Registry, doing business as CSTAR, for an order pursuant to section 103.1 granting leave to make application under section 75 of the *Competition Act*;

**AND IN THE MATTER OF** an application by the Canadian Standard Travel Agent Registry, doing business as CSTAR for an interim order pursuant to section 104 of the *Competition Act*.

BETWEEN:

**CANADIAN STANDARD TRAVEL AGENT REGISTRY**  
**doing business as CSTAR**

Applicant

and

**INTERNATIONAL AIR TRANSPORT ASSOCIATION**  
**doing business as IATA**

Respondent

**NOTICE OF MOTION**

**TAKE NOTICE THAT:**

The Respondent, International Air Transport Association doing business as IATA ("IATA") will make a motion to the Tribunal at a date and time to be set by the Registrar.

**THIS MOTION IS FOR:**

- a) An order compelling Bruce Bishins to attend an examination in aid of execution as representative of the Applicant, the Canadian Standard Travel Agent Registry ("CSTAR"), and to produce for inspection at the examination in aid of execution certain CSTAR records.

- b) An order dispensing with formal service of this motion on the Applicant and/or dispensing with or adjusting time limits as the Tribunal deems just;
- c) IATA's costs of this motion; and
- d) Such further and other relief as the Tribunal deems just.

**THE GROUNDS FOR THE MOTION ARE:**

- a) On July 10, 2008, the Tribunal ordered CSTAR to pay IATA's costs of this application of \$15,000 (the "Award").
- b) Bruce Bishins, the former president and current director of CSTAR, informed IATA that CSTAR did not have the resources to pay the Award.
- c) Shortly after the Award was made CSTAR ceased operations and became an inactive society.
- d) During all relevant times, Mr. Bishins had full control over CSTAR's accounts and records as demonstrated by, among other things, his provision of a screen shot showing the balance in CSTAR's account to convince IATA that CSTAR had no resources left.
- e) While CSTAR was ceasing operations, Mr. Bishins became the president and CEO of ARTA Canada Ltd. ("ARTA") which, like CSTAR, is a non-profit travel agency association, with similar objects and purposes.
- f) All of CSTAR's former members were invited to join ARTA for free.
- g) A corporate search of CSTAR on October 2, 2009, shows that Mr. Bishins is still a director of CSTAR.
- h) On October 7, 2009, Mr. Bishins was served with a Direction to Attend a notice of examination in aid of execution as a representative of CSTAR.

- i) Even though Mr. Bishins is clearly an appropriate representative of CSTAR as demonstrated by his central role in this application and his control of CSTAR's accounts and records, Mr. Bishins now claims that he would not be a proper representative of CSTAR and can not assist on any matter related to this application.
  
- j) Mr. Bishins is an appropriate representative of CSTAR for an examination in aid of execution, and is in fact the only relevant representative of CSTAR, for the following reasons:
  - (i) at all relevant times Mr. Bishins was the directing mind behind CSTAR and this application;
  - (ii) Mr. Bishins brought a motion to represent CSTAR personally in this application;
  - (iii) at all relevant times Mr. Bishins was the president and director of CSTAR, and continues to be a director;
  - (iv) Mr. Bishins was the only member of CSTAR to file affidavit evidence in this application;
  - (v) Mr. Bishins' behaviour has confirmed and demonstrates that he has control over CSTAR's affairs, including its present or former bank accounts and the relevant records; and
  - (vi) According to a corporate search conducted on October 2, 2009, Mr. Bishins is a director of CSTAR.
  
- k) A copy of this Notice of Motion has been electronically transmitted to Mr. Bishins at the three email addresses he currently uses as well as sent to the offices of ARTA where Mr. Bishins is currently employed, the offices of Helen Thompson Travel where Mr. Bishins is also employed, and to his last known home address.
  
- l) Section 8(2) of the *Competition Tribunal Act*.

- m) Rule 34 of the *Competition Tribunal Rules*.
- n) Rule 426 of the *Federal Court Rules*.
- o) Such further and other grounds which IATA may advise and the Tribunal may accept.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of this motion:

- a) The Affidavit of Eryn McGlynn sworn October 21, 2009; and
- b) Such further and other material as the Applicant may advise and the Tribunal may admit.

**DATED** at Toronto, Ontario, this 21<sup>st</sup> day of October, 2009.

**McMILLAN LLP**  
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Lawyers for the Respondent

**TO:**

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Toronto, Ontario M5B 1J3

**AND TO:**

Bruce Bishins  
1102-8 Wellesley Street E.  
Toronto, Ontario M4Y 3B2

**AND TO:**

Bruce Bishins  
c/o Helen Thompson Travel Agency  
61 Hayden Street  
Toronto, Ontario M4Y 2P2

**AND TO:**

Email: bruce.bishins@gmail.com  
Email: bbishins@artacanada.ca  
Email: bruce@htrips.com

**AND TO:**

**The Registrar  
Competition Tribunal**  
The Thomas D'Arcy McGee Building  
90 Sparks Street, Suite 600  
Ottawa, Ontario  
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Tel: 613-954-0857  
Fax:613-952-1123

**AND TO:**

**International Air Transport Association**  
800 Place Victoria  
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H4Z 1M1  
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**CANADIAN STANDARD TRAVEL AGENT REGISTRY**  
Applicant

and

**INTERNATIONAL AIR TRANSPORT ASSOCIATION**  
Respondent

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