

**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**

and

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

Applicant	
COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
<b>FILED / PRODUIT</b> <b>October 26, 2009</b> <b>CT-2008-006</b>	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 57

Respondent

**AFFIDAVIT OF BRUCE BISHINS**

**Affirmed October 26, 2009**

**I, BRUCE BISHINS**, of the city of Toronto in the Province of Ontario **AFFIRM**  
**AND SAYS AS FOLLOWS:**

1. I am the former president of the Applicant, Canadian Standard Travel Agent Registry, a former not-for-profit BC Society once doing business as CSTAR (“CSTAR”), and as such, have knowledge of the matters hereinafter deposed to, except where such matters are stated to be based on information and belief, and where so stated, I verily believe these matters to be true.
2. I make this Affidavit as an individual and not as a director, officer, or representative of CSTAR in response to the Notice of Motion filed with the Tribunal by the Respondent, International Air Transport Association (“IATA”) and received by me on 21 October 2009 .
3. It is true that the parties, CSTAR and IATA, agreed on \$15,000 to settle the costs in favour of IATA for CSTAR’s request for the Tribunal to grant leave to hear the matter in the above-captioned case.
4. Despite CSTAR’s best efforts to raise the necessary funds from its membership to pay IATA the costs agreed, CSTAR was unable to acquire said funds and with the additional substantial legal costs owed to counsel which represented CSTAR in this matter, CSTAR became insolvent and could not longer continue as an organization.
5. CSTAR offered IATA a wide array of “services in kind” as an alternative to the financial settlement, this in an effort to avoid CSTAR’s insolvency and cessation, however, IATA refused to accept CSTAR’s offer.
6. On 29 July 2008, following a meeting of the CSTAR board of directors, I resigned as an officer and president of CSTAR. A copy of my letter of resignation to the CSTAR board is attached to my Affidavit as Exhibit “A”.
7. On 15 August 2008, I notified the BC Ministry of Finance and Registry Services that CSTAR was insolvent, had ceased all operations, and that all directors, including myself, had resigned. A copy of my letter to the BC Ministry of Finance and Registry Services is attached to my Affidavit as Exhibit “B”.

8. At various times in August and September 2008, I advised IATA that CSTAR was insolvent, had ceased operations, and as such, could not pay the cost award as agreed.

9. Pursuant to IATA's request, I provided copies of CSTAR's notice to the BC Ministry of Finance and Registry Services and CSTAR's banking statements.

10. As CSTAR had trade debts, including the cost award to IATA, it could not voluntarily dissolve as a Society. However, the BC Registry advised me that CSTAR would be struck from the Registry in 2009, two years following the last submitted Annual Report filed on 30 April 2007. Presumably, CSTAR should have been struck from the BC Registry in June of 2009.

11. IATA's motion to compel me to attend an examination in aid of execution as a representative of CSTAR should not be granted for the following reasons:

a) I am not a director or representative of CSTAR;

b) I am not an officer or representative of CSTAR;

c) I do not have any records or documents which IATA seeks to examine;

d) IATA is relying on the Section 426 of the Federal Courts Rules which states:

*426. A person who has obtained an order for the payment of money may conduct an oral examination of the judgment debtor or, if the judgment debtor is a body corporate, of an officer thereof, as to the assets of the judgment debtor.*

As indicated in 11 b) above, and in Exhibit “A”, I am not an officer of CSTAR.

12. It is my belief that IATA knows fully well that CSTAR is defunct and has no assets.

13. It is my belief that IATA’s pursuit of this examination in aid of execution is nothing more than an attempt to intimidate and harass me personally and to force me to personally bear expenses to address this matter.

14. IATA’s references to the Association of Retails Travel Agents – Canada (“**ARTA Canada**”) are irrelevant as ARTA Canada is not a successor to CSTAR, has nothing to do with CSTAR, and is no way a continuation of CSTAR.

15. It is my belief that IATA wishes to additionally use the examination in aid of execution sought as a vehicle to delve into matters of my other travel agency advocacy activities, including those at ARTA Canada.

16. It is my belief that if IATA had any bona fide interest in an examination in aid of execution as a real means to determine CSTAR’s actual financial standing and true ability to make payment of the cost award, IATA would not have waited one year and 2 months (14 months) since the demise of CSTAR to pursue such an examination.

17. A copy of this Affidavit has been electronically transmitted as well as sent via Canada Post Xpresspost to the Respondent and to the parties indicated below.

The above is my Affidavit and testimony in this matter along with Exhibits “A” and “B”.

AFFIRMED BEFORE ME  
at the City of Toronto  
in the Province of Ontario  
on the 26<sup>th</sup> day of October 2009

*David Lefkowitz*  
*Commissioner for Taking Affidavits*  
08/26/09

Name:  
*DAVID LEFKOWITZ*  
*TORONTO, ONTARIO, CANADA*  
08/26/09

*Bruce Bishins*  
**BRUCE BISHINS**

Bruce Bishins  
c/o Helen Thompson Travel  
61 Hayden Street  
Toronto, Ontario M4Y 3B2  
[bruce.bishins@gmail.com](mailto:bruce.bishins@gmail.com)  
Tel: 416-922-8911

Attached: Exhibits A and B

TO:

**International Air Transport Association**  
800 Place Victoria  
Montreal, Quebec  
H4Z 1M1  
Tel: 514-874-0202  
Fax: 514-874-9632

*David Lefkowitz*  
David Lefkowitz  
Barrister & Solicitor  
Notary Public and Commissioner of Oaths  
in and for the Province of Ontario.  
My commission is of unlimited duration.  
No legal advice given

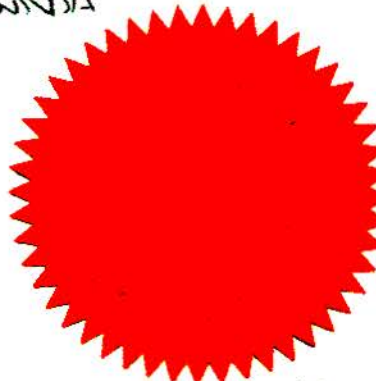
**McMillan LLP**  
Brookfield Place  
181 Bay Street, Suite 4400  
Toronto, Ontario M5J 2T3  
Tel: 416.865.7000  
Fax: 416.865.7048

**Red Seal Notary Inc.**  
777 Bay Street, Unit M207-B,  
Toronto, Ontario M5G 2C8  
Tel: (416) 922-7325

**The Registrar  
Competition Tribunal**  
The Thomas D'Arcy McGee Building  
90 Sparks Street, Suite 600  
Ottawa, Ontario  
K1P 5B4  
Tel: 613-954-0857  
Fax: 613-952-1123

*David Lefkowitz*  
Sworn/Declared before me at  
Toronto, Ontario, Canada  
this 26 day of October, 2009.

*David Lefkowitz*  
I have witnessed the signature of  
Bruce Bishins,  
after presentation of satisfactory identification  
at Toronto, Ontario, Canada  
this 26 day of October, 2009



*David Lefkowitz*  
08/26/09

**In accordance with Competition Tribunal Rule 20 (1), the affiant declares as follows:**

*The document that is being electronically submitted to the Tribunal is an electronic version of a paper document that has been signed by the affiant. The signed document in paper copy is available and will be produced if requested by the Tribunal.*

A handwritten signature in blue ink that reads "Bruce Bishins". The signature is written in a cursive style with a horizontal line underneath it.

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**BRUCE BISHINS**



Canadian Standard Travel Agent Registry  
61 Hayden Street  
Toronto, ON, M4Y 2P2 Canada  
E-mail: postmaster@cstar.ca

Toronto, 29 July 2008

Board of Directors  
CSTAR  
61 Hayden Street  
Toronto, ON M4Y 2P2

Red Seal Notary Inc.  
777 Bay Street, Unit M207-B,  
Toronto, Ontario M5G 2C8  
Tel: (416) 922-7325

Dear CSTAR Board Members:

As indicated on our conference call, I hereby resign from my position as President and Chief Executive Officer of CSTAR. My resignation as an officer of CSTAR is effective immediately.

As this was not a salaried position, there is no salary debt owed to me from CSTAR.

In addition, and further to the decisions taken on our conference call, I will when appropriate:

- 1. notify the BC Registrar that CSTAR is insolvent and will cease all operations;
- 2. notify the BC Registrar that all CSTAR directors have resigned;
- 3. notify all CSTAR members that CSTAR will cease as an association;
- 4. notify all CSTAR members that alternative agency association options are being discussed;
- 5. continue discussions with C. Théberge at ACTA to acquire CSTAR members who wish it;
- 6. notify the trade press that CSTAR will cease operations.

As discussed, there is a debt of \$15,000 to IATA and various legal debts to attorneys amounting to an additional \$12,000. I will notify IATA and the affected attorneys that CSTAR is insolvent and will not be able to pay these debts. As indicated, the efforts to raise funds from CSTAR members to finance these debts was not successful. The Competition Tribunal case has been abandoned as no agency has indicated a willingness to step forward as an applicant.

There is approximately \$500 remaining in the CSTAR bank account and PayPal which will be used to pay off some minor debts for Internet service, web site, telephone service and office facilities. Thereafter, the CSTAR bank account and PayPal accounts will be closed.

As further discussed, due to the existing trade debts, CSTAR will not be able to file for voluntary dissolution with the BC Registrar. CSTAR will be struck from the BC Societies Registry in 2009.

Thank you for all your support and cooperation over the years.

Respectfully submitted,

Bruce Bishins, CTC

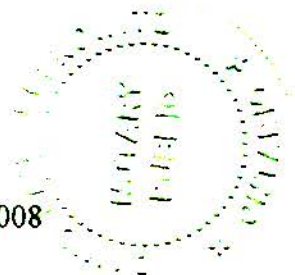
This is Exhibit 31 referred to in the affidavit  
of Bruce Bishins sworn before me this 29th  
day of July, 2008



EXHIBIT "B"

Ministry of Finance  
BC Registry Services  
POB 9431 Stn Prov Gvt  
Victoria, BC  
V8W 9V3

15 August 2008



*Handwritten notes:*  
John West  
Amy Kelly

**Regarding BC Society S-38464**  
**Canadian Standard Travel Agent Registry**

Dear Registrar:

This is to advise that the Canadian Standard Travel Agent Registry (CSTAR) is insolvent and has ceased all operations.

Effective immediately:

1. CSTAR has ceased doing business.
2. CSTAR has closed its office in Vancouver, British Columbia.
3. CSTAR has closed its office in Toronto, Ontario.
4. All CSTAR directors have resigned:

- Bishins, Bruce
- Miller, David
- Parry, Mary
- Shaw, David

**Red Seal Notary Inc.**  
777 Bay Street, Unit M207-B,  
Toronto, Ontario M5G 2C8  
Tel: (416) 922-7325

5. CSTAR has no assets of any kind.
6. CSTAR does not have any tax, government, or salary liabilities.
7. CSTAR does have trade liabilities which it will not be able to pay.
8. CSTAR has closed its bank accounts with zero balances.
9. All CSTAR members have been notified.

We understand that CSTAR cannot file for voluntary dissolution due to the outstanding trade liabilities it has. This notwithstanding, CSTAR wishes to advise you of its defunct status and requests that it be struck from the BC Registry in accordance with prevailing regulations. CSTAR will not file any further Annual Reports (Form 11).

Thank you for your attention to this matter.

Respectfully yours,

*Bruce Bishins*

Bruce Bishins  
Former Director

This is Exhibit "B" referred to in the affidavit  
of Bruce Bishins, sworn before me this 26th  
day of August, 2008

*David Lefkowitz*  
David Lefkowitz  
Barrister & Solicitor  
Notary Public and Commissioner of Oaths  
in and for the Province of Ontario.  
My commission is of unlimited duration.  
No legal advice given