



Reference: *Waste Management of Canada Corporation*, 2006 Comp. Trib. 40

File No.: CT-2006-009

Registry Document No.: 0013

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

AND IN THE MATTER OF an application by the Director of Investigation and Research under section 79 of the *Competition Act*;

AND IN THE MATTER OF certain practices by Laidlaw Waste Systems Ltd. in the communities of Cowichan Valley Regional District, Nanaimo Regional District and the District of Campbell River, British Columbia;

AND IN THE MATTER OF the order made by the Competition Tribunal on February 11, 1992, against Laidlaw Waste Systems Ltd;

AND IN THE MATTER OF an application by Waste Management of Canada Corporation under section 106(1)(a) of the *Competition Act* to rescind on consent the order made by the Competition Tribunal on February 11, 1992.

B E T W E E N :

**Waste Management of Canada Corporation**  
**(formerly Laidlaw Waste Systems Ltd.)**  
 (applicant)

and

**The Commissioner of Competition**  
**(formerly the Director of Research and Investigation)**  
 (respondent)



Decided on the basis of the written record.

Before: Simpson J. (Chairperson, presiding judicial member), Phelan J. and Dr. Csorgo.

Date of Order: November 21, 2006

Order signed by: Madam Justice Sandra J. Simpson, on her own behalf and on behalf of Mr. Justice Michael L. Phelan, Dr. Lilla Csorgo

**ORDER RESCINDING THE ORDER MADE ON FEBRUARY 11, 1992**

[1] FURTHER TO the order made by the Competition Tribunal on February 11, 1992 (the "1992 Order") pursuant to section 79 of the *Competition Act*, R.S.C. 1985, c.C-34, as amended (the "Act");

[2] AND FURTHER TO an application by Waste Management of Canada Corporation (the "Applicant") brought pursuant to section 106(1)(a) of the Act for an order rescinding the 1992 Order;

[3] AND UPON reviewing the Applicant's Statement of Grounds and Material Facts and the Affidavit of James T. Duncan sworn August 21, 2006;

[4] AND CONSIDERING THAT the Commissioner of Competition has consented to the rescission of the Order;

[5] AND CONSIDERING THAT notice of this application was published in the *Canada Gazette* Part I on September 23, 2006, in accordance with section 65 of the *Competition Tribunal Rules*, and that no requests for intervention were received in the time period provided by the *Competition Tribunal Rules*;

[6] AND UPON being satisfied on the evidence before it that the circumstances which led to the making of the 1992 Order have changed, and that in the circumstances that existed at the time this application was made, the 1992 Order would not have been made.

[7] **THE TRIBUNAL ORDERS:**

The 1992 Order is rescinded.

DATED at Ottawa, this 21<sup>st</sup> day of November, 2006.

SIGNED on behalf of the Tribunal by the members of the panel.

(s) Sandra J. Simpson  
Michael Phelan (per Sandra J. Simpson)  
Lilla Csorgo

COUNSEL :

For the Applicant Waste Management of Canada Corporation

Mark J. Nicholson  
Chris Hersh  
Yana Ermak

For the Respondent Commissioner of Competition

William J. Miller  
E.C. Yuh