

Competition Tribunal



Tribunal de la Concurrence

Reference: *B-Filer Inc. v. The Bank of Nova Scotia*, 2005 Comp. Trib. 49
File No.: CT-2005-006
Registry Document No.: 0082

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

AND IN THE MATTER OF an application by B-Filer Inc., B-Filer Inc. doing business as GPAY GuaranteedPayment and Npay Inc. for an interim order pursuant to section 104 of the *Competition Act*.

B E T W E E N :

**B-Filer Inc., B-Filer Inc. doing business as
GPAY GuaranteedPayment and Npay Inc.**
(applicants)

and

The Bank of Nova Scotia
(respondent)



Date of hearing: 20051112
Judicial Member: Simpson J. (Chairperson)
Date of Order: December 14, 2005
Order signed by: Madam Justice Sandra J. Simpson

**ORDER DISMISSING THE APPLICATION FOR INTERIM RELIEF UNDER
SECTION 104 OF THE *COMPETITION ACT***

- [1] UPON the application to the Tribunal by B-Filer Inc., B-Filer Inc. doing business as GPAY GuaranteedPayment and Npay Inc. (the "Applicants") for an interim order restoring the banking services which the Bank of Nova Scotia (the "Respondent") provided to the Applicants in May 2005;
- [2] AND UPON noting that notice was given on May 11, 2005, that the banking services would be terminated;
- [3] AND UPON further noting that the termination of bill payee services became effective on September 18, 2005, and that the Applicants' business accounts were closed on September 26, 2005 (together, the "Termination");
- [4] AND UPON reviewing the material filed by the Applicants and the Respondent;
- [5] AND UPON hearing counsel for both parties in Ottawa on December 12, 2005;
- [6] AND UPON determining that there is insufficient evidence to establish that the Applicants would suffer irreparable harm by reason of the Termination if the interim relief were not granted;
- [7] AND UPON observing that neither party has applied for costs;

NOW THEREFORE THIS TRIBUNAL ORDERS THAT:

- [8] For reasons to follow, the application for an interim order is hereby dismissed.

DATED at Ottawa, this 14th day of December, 2005.

SIGNED on behalf of the Tribunal by the Chairperson of the Tribunal.

(s) Sandra J. Simpson

APPEARANCES:

For the Applicants B-Filer Inc., B-Filer Inc. doing business as GPAY
GuaranteedPayment and Npay Inc.:

Ms Sharon Dalton
Mr. Adam N. Atlas

For the Respondent Bank of Nova Scotia:

Mr. F. Paul Morrison
Ms. Lisa M. Constantine