

CT-2003-005

**COMPETITION TRIBUNAL**

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

**AND IN THE MATTER OF** an application by Canadian Waste Services Holdings Inc., Canadian Waste Services Inc. and Waste Management Inc. under s. 106 of the *Competition Act*;

**AND IN THE MATTER OF** the acquisition by Canadian Waste Services Inc. of the Ridge Landfill in Blenheim, Ontario from Browning-Ferris Industries Ltd.

**B E T W E E N:**

**CANADIAN WASTE SERVICES HOLDINGS INC.,  
CANADIAN WASTE SERVICES INC. and  
WASTE MANAGEMENT INC.**

- and -

**COMMISSIONER OF COMPETITION**

**NOTICE OF APPLICATION**

Applicants

<b>COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE</b>	
F I L E D	D E P O S E
Respon <sup>MAILED</sup> 2003	
REGISTRAR - REGISTRAIRE	
OTTAWA, ONT.	0001A

**TAKE NOTICE THAT** the Applicants will make an application to the Competition Tribunal pursuant to s. 106 of the *Competition Act* for:

- (a) an Order rescinding or varying the Divestiture Order of the Competition Tribunal dated October 3, 2001, and as necessary the Order of the Tribunal dated March 28, 2001, so as to:
  - (i) rescind the requirement that the Applicants divest themselves of the Ridge Landfill facility at Blenheim, Ontario, together with all associated business, shares and assets, including the Host Community Agreement entered into between the Municipality of Chatham-Kent and Browning-Ferris Industries Ltd. (the "Ridge Landfill"); and

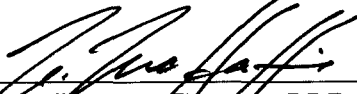
- (ii) if considered necessary by the Tribunal, require the Applicants to divest of the Gore Road Landfill facility at Blenheim, Ontario, together with all associated business, shares and assets, on such terms as to the Tribunal seem just;
- (b) in the alternative to (a), an Order varying the Divestiture Order of the Competition Tribunal dated October 3, 2001, and as necessary the Order of the Tribunal dated March 28, 2001, so as to hold the requirement that the Applicants divest themselves of the Ridge Landfill in abeyance pending the emergence of excess capacity in Southern Ontario for the disposal of waste from the GTA, or in the further alternative pending approval by the Ontario Ministry of the Environment of two landfill expansion and permitting applications currently pending with respect to the Richmond and Warwick Landfills, in their entirety or to such extent as the Tribunal may deem appropriate;
- (c) an Order staying the Divestiture Order pending the determination of the within Application;
- (d) in the alternative to (c), an expediting the hearing of the within Application; and
- (e) such further and other final or interim orders as to the Tribunal seem just.

**AND TAKE NOTICE THAT** the Applicants will rely on the grounds set out in the Statement of Grounds and Material Facts attached as Schedule "A" hereto and such further and other grounds as counsel may advise and the Tribunal may permit.

**AND TAKE NOTICE** that if you do not file a Response to the within Application with the Registrar of the Tribunal within 30 days of the date of service hereof, the Tribunal may, without further notice to you, make such orders as it deems appropriate.

AND TAKE NOTICE that the Applicants propose that the within Application be heard in the English language, at Ottawa, Ontario.

DATED AT OTTAWA, this 29th day of May, 2003

  
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Solicitors for the Applicants

TO: **Competition Tribunal**  
90 Sparks Street, Suite 600  
Ottawa, Ontario K1P 5B4

AND TO: **Commissioner of Competition**  
Place du Portage, Phase I  
50 Victoria Street, 21<sup>st</sup> Floor  
Gatineau, Quebec K1A 0C9