



Reference: *The Commissioner of Competition v. Canadian Waste Services Holdings Inc.*, 2001
Comp. Trib.7 File no.: CT2000002
Registry document no.: 61

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 Commissioner of Competition under section 92
of the *Competition Act*;

AND IN THE MATTER of the acquisition by Canadian Waste Services Inc. of certain assets of
Browning-Ferris Industries Ltd., a company engaged in the solid waste business.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Canadian Waste Services Holdings Inc.
Canadian Waste Services Inc.
Waste Management, Inc.
(respondents)

and

The Corporation of the Municipality of Chatham-Kent
(intervenor)

Decided on the basis of the written record.
Member: McKeown J. (presiding)
Date of order: 20010426
Order signed by: McKeown J.



**ORDER REGARDING EXTENSION OF TIME PERIOD FOR FILING A NOTICE OF
APPEAL IN THE FEDERAL COURT OF APPEAL**

[1] FURTHER TO the application of the Commissioner of Competition (the “Commissioner”) pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34;

[2] AND FURTHER TO the Reasons and Order of the Competition Tribunal (the “Tribunal”) dated March 28, 2001 in the within proceeding allowing the Commissioner’s application pursuant to section 92;

[3] AND ON READING the respondents’ notice of motion dated April 25, 2001, the respondents’ memorandum of argument and the affidavit of Nicholas McHaffie dated April 25, 2001;

[4] AND ON CONSIDERING the consent of the Commissioner to the order requested, dated April 25, 2001;

[5] AND ON DETERMINING THAT this is an appropriate case for the issuance of an order pursuant to section 27 of the *Federal Court Act*, R.S.C. 1985, c. F-7;

THE TRIBUNAL ORDERS THAT:

[6] The time in which to file a notice of appeal in the Federal Court of Appeal from the Reasons and Order of the Tribunal dated March 28, 2001 in the within proceeding (the “March 28 Reasons and Order”), is extended such that it expires on the same date as the appeal period for any appeal from the final decision of the Tribunal regarding remedy to be rendered in consequence of the March 28 Reasons and Order;

[7] In the event leave to appeal is sought pursuant to subsection 13(2) of the *Competition Tribunal Act*, R.S.C. 1985, c. 19 (2nd Supp.) to appeal from the March 28 Reasons and Order:

(a) the time to file an application for leave to appeal is extended such that it expires on the same date as the appeal period for any appeal from the final decision of the Tribunal regarding remedy to be rendered in consequence of the March 28 Reasons and Order; and

(b) the time to file a notice of appeal with respect to any issues with respect to which leave is granted is extended to 10 days after the order of the Federal Court of Appeal granting leave to appeal.

DATED at Ottawa, this 26th day of April, 2001.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) W.P. McKeown

COUNSEL

For the applicant:

The Commissioner of Competition
Donald Houston
André Brantz
W. Michael G. Osborne

For the respondents:

Canadian Waste Services Holdings Inc.
Canadian Waste Services Inc.
Waste Management, Inc.

Lawson A. W. Hunter, Q.C.
Shawn C. D. Neylan
Nicolas McHaffie
Danielle K. Royal

For the intervenor:

The Corporation of the Municipality of Chatham-Kent

Brian Knott