



Reference: *The Commissioner of Competition v. Canadian Waste Services Holdings* 2000,  
Comp. Trib. 9  
File no.: CT2000002  
Registry document no.: 19

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

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

**Mark Thompson and Luciano Bet**  
(applicants for leave to intervene)

Date of hearing: 20000622  
Member: McKeown J. (presiding)  
Date of order: 20000626  
Order signed by: McKeown J.



**REASONS AND ORDER DENYING REQUEST FOR LEAVE TO INTERVENE**

[1] A request for leave to intervene was filed by Mark Thompson and Luciano Bet, two employees of Browning-Ferris Industries Ltd. on the grounds that they are affected by the acquisition of the Ridge landfill by the respondents, Canadian Waste Services Holdings Inc., Canadian Waste Services Inc. and Waste Management, Inc. This request was decided orally at the hearing on June 22, 2000. Messrs. Mark Thompson and Luciano Bet's request for leave to intervene was denied. The following are the reasons for the order.

[2] As stated in *Director of Investigation and Research v. Tele-Direct* (Reasons and Order Granting Requests for Leave to Intervene) 61 C.P.R. (3d) 528, [1995] C.C.T.D. No. 4 (QL), the test for granting intervenor status is set out in subsection 9(3) of the *Competition Tribunal Act*:

Any person may, with leave of the Tribunal, intervene in any proceedings before the Tribunal, other than proceedings under Part VII.1 of the *Competition Act*, to make representations relevant to those proceedings in respect of any matter that affects that person.

[3] In order to be granted the status of intervenor, the Tribunal must be satisfied that all of the following elements are met:

(a) The matter alleged to affect that person seeking leave to intervene must be legitimately within the scope of the Tribunal's consideration or must be a matter sufficiently relevant to the Tribunal's mandate (see *Director of Investigation and Research v. Air Canada* (1992), 46 C.P.R. (3d) 184 at 187, [1992] C.C.T.D. No. 24 (QL)).

(b) The person seeking leave to intervene must be directly affected. The word "affects" has been interpreted in *Air Canada*, *ibid.*, to mean "directly affects".

(c) All representations made by a person seeking leave to intervene must be relevant to an issue specifically raised by the Commissioner (see *Tele-Direct*, cited above in § [2]).

(d) Finally, the person seeking leave to intervene must bring to the Tribunal a unique or distinct perspective that will assist the Tribunal in deciding the issues before it (see *Washington v. Director of Investigation and Research*, [1998] C.C.T.D. No. 4 (QL) (Comp. Trib.)).

[4] On the basis of these elements, the Tribunal is of the view that the representations that Messrs. Thompson and Bet want to make are not relevant to the proceedings before the Tribunal and further, the nature of their interests does not make them persons affected by the proceedings pursuant to section 9(3) of the *Competition Tribunal Act*. Finally, the issues that they want to raise do not come within the jurisdiction of the Tribunal.

FOR THESE REASONS, THE TRIBUNAL ORDERS THAT:

[5] The request of Mark Thompson and Luciano Bet for leave to intervene is denied.

DATED at Ottawa, this 26<sup>th</sup> day of June, 2000.

SIGNED on behalf of the Tribunal by the presiding judicial member

(s)W.P. McKeown

A handwritten signature in black ink, appearing to read "W.P. McKeown". The signature is written in a cursive style with a large initial "W" and a distinct "P".

APPEARANCES:

For the applicant:

The Commissioner of Competition

Donald Houston  
Michael Osborne

For the respondents:

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

Shawn C.D. Neylan  
Danielle Royal

For the Applicants for leave to intervene:

Mark Thompson  
Luciano Bet

Norman Bergstein