

COMPETITION TRIBUNAL  
TRIBUNAL DE LA CONCURRENCE

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Court File Number:

OTTAWA, ONT.

#1

IN THE COMPETITION TRIBUNAL

LUIGI CORETTI

Applicant

vs

BUREAU DE LA SÉCURITÉ PRIVÉ  
6363 Route Transcanadienne Ouest Bureau 206  
Montréal QC H4T 1Z9

and

GARDA WORLD SECURITY CORPORATION  
GARDA WORLD INTERNATIONAL CORPORATION  
GARDA WORLD SECURITY CORPORATION  
GARDA CANADA SECURITY CORPORATION  
THE GARDA SECURITY GROUP  
SOCIÉTÉ EN COMMANDITE TRANSPORT DE VALEURS GARDA  
GARDA ALARM SERVICES CORPORATION  
GARDA ALARM SERVICES CORPORATION  
1390 rue Barré, Montréal QC H3C 1N4

Respondent

APPLICATION FOR LEAVE TO MAKE AN APPLICATION  
UNDER S.77 (3) OF THE COMPETITION ACT

1. The Applicant, Luigi Coretti electing domicile at 410 rue Saint-Nicolas #108 in Montreal, Québec H2Y 2P5 hereby applies for leave from this Tribunal to bring an application under s.77(3)-Market Restriction- of the Competition Act against:

- GARDA ALARM SERVICES CORPORATION;
- GARDA WORLD SECURITY CORPORATION;
- GARDA WORLD INTERNATIONAL CORPORATION;
- GARDA WORLD SECURITY CORPORATION;
- GARDA CANADA SECURITY CORPORATION;
- THE GARDA SECURITY GROUP;
- SOCIÉTÉ EN COMMANDITE TRANSPORT DE VALEURS GARDA and;
- GARDA ALARM SERVICES CORPORATION

(All collectively referred to as "**GARDA**"). All of the GARDA Respondents have their head office at 1390 rue Barré in the City of Montreal, Province of Québec and, as will be further elaborated below, act as one common entity. This restriction is also carried out by the Respondent BUREAU DE LA SÉCURITÉ PRIVÉE, a Québec Crown Corporation having its head office at 6363 Route Transcanadienne Ouest, Bureau 206 in the City of Montreal, Québec.à

2. GROUNDS FOR THE APPLICATION:

- The Applicant is an expert in asset and personal security having worked as a police officer and security agent for over 15 years.
- The Applicant has personal information and experience regarding anti-competitive and market restriction practices of the Respondents Bureau de la Sécurité Publique and Garda.
- The Respondent Bureau de la Sécurité Publique is a Corporation that is an agent of the Québec Crown who was granted statutory authority to grant or deny permits to exercise the business of security and protection agents.
- The Respondent Bureau de la Sécurité Publique has the monopoly on licensing personnel and enterprises who wish to provide the services.
- The Respondents Garda is the major and predominant supplier of asset and personal security, including the transportation of valuables and currency, in armoured cars which includes armoured car supply, personnel verification, personal security services and related items such as event protection. As per the definitions of s.2 of the Competition Act, a product includes a service and a supply includes selling, renting or otherwise providing of a service or offer.

- The Respondents, although separate corporate entities, operate in fact as a coordinated single undertaking, with each entity specializing in a sub-sector of the market, for example Garda World Security Corporation operates as a holding, Garda World International Corp as a wholesaler of security products, Garda Canada Security Corporation in investigations and security, The Garda Security Group is a Security Agency and the General Partnership Société en commandite Transport de Valeurs Garda is in the armoured cars and financial asset transport.
- The relevant market is the provision of security services, namely in the sector of transport of valuables with armoured cars and guards in the Province of Québec, namely all of the western territory of that province.
- The Respondents have restricted the market by forcing customers to buy only from it and by effectively destroying competitors.
- Respondents Garda use the multitude of corporate entities to gain control of the Respondent Bureau de la Sécurité Privée by acting as independent persons and appearing to represent the majority of market actors.
- The Respondent Garda caused me to lose my competitor company by causing a malicious prosecution to be filed against my former company BCIA and having suppliers refuse to provide any finance.
- Furthermore, the Respondent has ensured that its former employees, officers or directors, be appointed as regulators of the other Respondent Bureau de la Sécurité Privée.
- As such, I have now been denied access to permits and licensing causing all possible competition to be restrained to the point of inviability.
- The Respondent has ensured that only itself obtains the necessary permits and authorizations to provide any kind of services in competition to the Respondent.
- As a result, in the relevant market of the Province of Québec, it is impossible to offer services in competition to the Respondent other than by joining it.

3. The economic theory of the case is that by restraining and eliminating competitors, the Respondent is in a position to dominate the market and command the prices of its choosing, depriving the consumers of choice and the market of competition.

4. The Applicant prays the Tribunal to make an Order granting him Leave to bring an application under s.77 of the Competition Act against the Respondent.

Montréal April 5, 2019



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TO:

BUREAU DE LA SÉCURITÉ PRIVÉE  
6363 Route Transcanadienne #206  
Montréal QC H4T 1Z9

-AND TO:

GARDA WORLD SECURITY CORPORATION  
GARDA WORLD INTERNATIONAL CORPORATION  
GARDA WORLD SECURITY CORPORATION  
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GARDA ALARM SERVICES CORPORATION GARDA ALARM SERVICES  
CORPORATION  
1390 rue Barré  
Montréal QC H3C 1N4


## AFFIDAVIT OF LUIGI CORETTI

I, the undersigned LUIGI CORETTI of the City of Laval, Province of Québec, hereby make oath and affirm the following:

1. I am the Applicant in the present application for leave.
2. I am a former Member of the Canadian Armed Forces.
3. I also have law enforcement experience with Investigations Canada for over twelve years.
4. In 1997, I founded and was the main shareholder of *Bureau Canadien d'Investigation et Ajustements-BCIA*- which was operating in both Québec and Ontario.
5. Since 2014, I have acted as a volunteer commissioner with the Algonquin Regional Authority.
6. I also act with various bodies of the United Nations in matters of security and investigation as well as anti-corruption task forces like UNTOC and UNCAC.
7. From 1985 to 2010, I had a permit issued by the Respondent Bureau de la Sécurité Privée.
8. On or about April 2010 a representative of the Respondent Gardaworld made me an offer to acquire BCIA which would have included taking a job with Gardaworld. I have reasons to believe this offer was made after Respondent Gardaworld obtained privileged inside information about my company, which had grown to over 1600 employees, by the Caisse Desjadins.
9. I refused the offer, but was led to believe the Respondent Gardaworld would make me regret that decision.
10. In 2010, BCIA was put under receivership by la Caisse des policiers et policières de Montréal.
11. Then, in 2012 I was investigated, charged and indicted for accusations of fraud following the accusations made in the receivership by the Caisse.
12. I contested the accusations vigorously and relentlessly.
13. On November 21, 2016 the accusations were stayed and were never renewed.


14. During the course of the criminal accusations that were stayed, I obtained information showing that Gardaworld has used resources and lobbying to have current and former employees or officers as directors of the Respondent Bureau de la Sécurité Privée.
15. I also learned that Respondent Gardaworld's then or former employees Guy Côté, Robert St-Jean and André Bouchard were also officers and directors of my accuser the Caisse des policiers et policières de Montréal.
16. After the dismissal of the case, with no criminal record, I re-applied to obtain a permit to work again as a security agent or guard.
17. On January 18, 2017, the Respondent Bureau de la Sécurité Privée responded denying my application arguing that my training was too long ago and I could not gain a license.
18. I have brought several court applications and remedies to contest that decision.
19. I have also learned that several current and former employees of the Respondent Gardaworld sit on the Board of the Respondent Bureau de la Sécurité Privée.
20. I verily and truly believe that both Respondents are restricting competition in the Québec market of security and services to favour and benefit Gardaworld.
21. All of the other facts alleged in the application are true.

AND I HAVE SIGNED



LUIGI CORETTI

Solemnly affirmed before me in Montreal  
this 5th day of April 2019



# 209627.  
Jessica Sandez

PROPOSED NOTICE OF APPLICATION

Court File Number:

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- THE GARDA SECURITY GROUP;
- SOCIÉTÉ EN COMMANDITE TRANSPORT DE VALEURS GARDA and;
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2. GROUNDS FOR THE APPLICATION:

- The Applicant is an expert in asset and personal security having worked as a police officer and security agent for over 15 years.
- The Applicant has personal information and experience regarding anti-competitive and market restriction practices of the Respondents Bureau de la Sécurité Publique and Garda.
- The Respondent Bureau de la Sécurité Publique is a Corporation that is an agent of the Québec Crown who was granted statutory authority to grant or deny permits to exercise the business of security and protection agents.
- The Respondent Bureau de la Sécurité Publique has the monopoly on licensing personnel and enterprises who wish to provide the services.
- The Respondent Garda is the major and predominant supplier of asset and personal security, including the transportation of valuables and currency, in armoured cars which includes armoured car supply, personnel verification, personal security services and related items such as event protection. As per the definitions of s.2 of the Competition



Act, a product includes a service and a supply includes selling, renting or otherwise providing of a service or offer.

- GARDA operates as a network of legal persons which declare to operate in separate sub-sectors of the security services industry. For example GARDA WORLD SECURITY CORPORATION is a holding that owns several (but not all) of the other corporations. GARDA WORLD INTERNATIONAL CORPORATION operates in the wholesale sector of security equipment sales. GARDA CANADA SECURITY CORPORATION in the sub-sector of investigations and personal security. THE GARDA SECURITY GROUP is a Security Agency and the Limited Partnership SOCIÉTÉ EN COMMANDITE TRANSPORT DE VALEURS GARDA in the sub-sector of armoured cars and financial asset transportation.
- The relevant market is the provision of security services, namely in the sector of transport of valuables with armoured cars and guards in the Province of Québec, namely all of the western territory of that province.
- The Respondents have restricted the market by forcing customers to buy only from it and by effectively destroying competitors.
- The Respondent GARDA caused me to lose my competitor company by causing a malicious prosecution to be filed against my former company BCIA and having suppliers refuse to provide any finance.
- Furthermore, the Respondent has ensured that its former employees, officers or directors, be appointed as regulators of the other Respondent Bureau de la Sécurité Privé.
- Although GARDA operates as a coordinated and controlled single entity, it uses the multiplicity of legal entities as being separate and distinct to ensure its officers, shareholders, directors and agents (or past officers and directors) are elected to the Board and Control of BUREAU DE LA SÉCURITÉ PRIVÉE and prevent competition in the relevant market.
- As such, I have now been denied access to permits and licensing causing all possible competition to be restrained to the point of inviability.
- The Respondent has ensured that only itself obtains the necessary permits and authorizations to provide any kind of services in competition to the Respondent.
- As a result, in the relevant market of the Province of Québec, it is impossible to offer services in competition to the Respondent other than by joining it.

3. The economic theory of the case is that by restraining and eliminating competitors, the Respondent is in a position to dominate the market and command the prices of its choosing, depriving the consumers of choice and the market of competition. The case is of horizontal domination and control of what is supposed to be independent regulation of the market.

4. The Applicant prays the Tribunal to make an Order prohibiting the Respondents from continuing to engage in market restrictions through licensing or ordering the Respondent Bureau de la Sécurité Privée to authorize more competitors to Garda in the Québec market.

[Date]

TO:

BUREAU DE LA SÉCURITÉ PRIVÉE  
6363 Route Transcanadienne #206  
Montréal QC H4T 1Z9

AND TO:

GARDA WORLD SECURITY CORPORATION  
GARDA WORLD INTERNATIONAL CORPORATION  
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GARDA CANADA SECURITY CORPORATION  
THE GARDA SECURITY GROUP  
SOCIÉTÉ EN COMMANDITE TRANSPORT DE VALEURS GARDA GARDA ALARM  
SERVICES CORPORATION  
1390 rue Barré  
Montréal QC H3C 1N4

## MEMORANDUM OF FACT AND LAW

(a) Statement of the facts

- I. The Applicant Luigi Coretti is a professional of the financial asset transportation, personnel security and protection business.
- II. The Respondent Garda is the dominant entity in this market in Québec and other markets.
- III. The Respondent Bureau de la Sécurité Privée is a legal person incorporated by a Québec statute that has statutory power of regulation and licensing for any person or entity wishing to operate in that business.
- IV. As such, he established a business that was in direct and constant competition with Garda.
- V. His corporation was put into receivership in what he has reasonable cause to believe was made at the request and with the support of Garda.
- VI. Furthermore, he was the object of criminal accusations that were stayed and not reinstated.
- VII. After these events, he attempted to obtain a new licence issued by the Respondent.
- VIII. The Respondent has denied him a license purportedly due to the fact the Applicant's qualifications are too ancient and not contemporary.
- IX. The Applicant has also found that a great number of the Directors of the Respondent Bureau de la Sécurité Privé are former employees or officers of Garda.
- X. The Applicant verily and truly believes that Garda exercises effective control and restrains the market in Québec to itself in areas like armoured car transport and protection of financial assets.

(b) Statement of the Points in Issue

- Is the Applicant directly and substantially affected by the conduct of the Respondents?
- Is the Applicant directly and substantially prevented from entering the Québec market for protection of financial assets (namely armoured cars, transportation, security) by a market restriction?

- If the above is affirmative, is the Market Restriction caused by the Respondents?

(c) Statement of the Submissions

The Applicant wishes to be granted leave to make an application for Market Restriction, as he has been effectively barred from re-entering the Québec Market due to the unreasonable and arbitrary restrictions imposed by a public corporation which appears to be proximate and sympathetic to the respondent Garda.

The Applicant has been directly and significantly affected, and the impugned conduct is a market restriction prohibited by s.77(3) of the Competition Act

The Respondent Bureau de la Sécurité Privée is subject to the Competition Act as stipulated in its section 3.1.

(d) Order Sought

The Applicant requests the Tribunal make the following order

LEAVE is hereby granted under s. 103.1 to the Applicant to serve and file a Notice of Application under s.77 of the Competition Act to the Respondents.

(e) List of Authorities

- Symbol Technologies ULC v. Barcode Systems Inc. 2004 FCA 339
- Stargrove Entertainment v. Universal Music Publishing 2019 CACT 26
- Mrs. O's Pharmacy v. Pfizer Canada Inc. 2004 CACT 24
- National Capital News Canada v. Milliken 2002 CACT 41
- Canada (Director of Investigations and Research ) v. Chrysler Canada Ltd. (1989) 27 C.P.R. (3d) 1
- Quinlan's of Huntsville Inc. v. Fred Deeley Imports Ltd. 2004 Comp. Trib 15
- Robinson Motorcycle Limited v. Fred Deeley Imports Ltd. 20014 Comp. Trib 13


THE WHOLE RESPECTFULLY SUBMITTED

Montreal this 10th day of April 2019

  
**SEMPERLEX AVOCATS** s.e.n.c.r.l.  
Solicitors for Applicant

I hereby certify this to be a true copy of the original document/  
Je certifie par la présente que ceci est une copie conforme au document original

Dated this / Fait ce April 17, 2019



For Registrar, Competition Tribunal /  
Pour Registraire, Tribunal de la concurrence