

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v Vancouver Airport Authority*, 2017 Comp Trib 3

File No.: CT-2016-015

Registry Document No.: 39

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

AND IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 79 of the *Competition Act*.

BETWEEN:

Commissioner of Competition
(applicant)

and

Vancouver Airport Authority
(respondent)



Decided on the basis of the written record
Before Judicial Member: D. Gascon J. (Chairperson)
Date of Order: March 7, 2017

ORDER AMENDING THE SCHEDULING ORDER

[1] **FURTHER TO** the notice of application filed by the applicant, the Commissioner of Competition, against the respondent, Vancouver Airport Authority, pursuant to section 79 of the *Competition Act*, RSC, c C-34, as amended;

[2] **AND FURTHER TO** the respondent's request sent on February 15, 2017 to amend the Scheduling Order dated December 20, 2016 with respect to the date for the service of Affidavits of Documents by the respondent and the date by which the applicant is to file motion arising therefrom;

[3] **AND WHEREAS** the Tribunal has examined the proposed draft scheduling order submitted by the respondent on February 15, 2017 and, in light of the fact that the applicant does not oppose the respondent's request, that the hearing date for the potential motions related to the Affidavits of Documents does not change, and that the other dates in the existing scheduling order remain intact, the Tribunal is satisfied that **the requested amendments shall be granted.**

THE TRIBUNAL ORDERS THAT:

[4] The revised schedule for the pre-hearing steps shall now be as follows:

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|-------------------------|---|
| February 17, 2017 | Service of Affidavit of Documents and delivery of documents by the applicant |
| February 28, 2017 | Last day for the respondent to file motion arising from Affidavit of Documents and/or productions |
| March 3, 2017 | Service of Affidavit of Documents and delivery of documents by the respondent |
| March 14, 2017 | Last day for the applicant to file motion arising from Affidavit of Documents and/or productions |
| March 22, 2017 | Hearing of any motions arising from Affidavits of Documents and/or productions and/or in respect of the scope of examinations for discovery |
| April 3, 2017 | Deadline for delivery of any additional productions resulting from any Affidavits of Documents/production motions |
| April 10 – May 19, 2017 | Examinations for discovery according to a schedule to be settled between counsel |
| June 16, 2017 | Deadline for fulfilling answers to discovery undertakings |
| June 23, 2017 | Last day for filing of motions arising from answers to undertakings and refusals |

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| July 11, 2017 | Mediation briefs due |
| July 17, 2017 | Hearing of any motions arising from answers to undertakings or refusals |
| July 25-27, 2017 | Mediation |
| July 31, 2017 | Last day for follow-up examinations for discovery |
| September 20, 2017 | Applicant to serve documents relied upon and witness statements, and to serve and file expert reports, if any |
| October 9, 2017 | Applicant to serve list of documents proposed to be admitted without further proof |
| October 20, 2017 | Respondent to serve documents relied upon and witness statements, and to serve and file expert reports, if any |
| October 26, 2017 | Deadline for delivering any Requests for Admissions |
| November 3, 2017 | Applicant to serve list of reply documents and witness statements, and to serve and file reply expert reports, if any |
| | Last day to file motions for Summary Disposition and/or any motions related to the evidence |
| November 10, 2017 | Deadline to provide documents to the Tribunal for use at the hearing (e.g., Briefs of Authorities, witness statements and Agreed Books of Documents) |
| | Deadline for responding to any Requests for Admissions |
| November 14, 2017 | Hearing of any motions for Summary Disposition and/or any motions related to the evidence. |

[5] All other provisions of the existing Scheduling Order remain unchanged.

DATED at Ottawa, this 7th day of March 2017.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL:

For the applicant:

The Commissioner of Competition

Jonathan Hood
Katherine Rydel
Ryan Caron

For the respondent:

Vancouver Airport Authority

Calvin S. Goldman
Richard Annan
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