

**RECEIVED / REÇU**

Date: February 9, 2024  
CT- 2024-002

Annie Ruhlmann for / pour  
REGISTRAR / REGISTRAIRE

OTTAWA, ONT.

Doc. #1

File No.

COMPETITION TRIBUNAL IN THE MATTER OF the Competition Act,  
R.S.C. 1985, c. C-34 (the “Act”);

AND IN THE MATTER OF an application by Standard Land  
Company Inc., and others for an order pursuant to section 103.1 of  
the Act granting leave to bring an application under section 79 of  
the Act;

AND IN THE MATTER OF an application by STANDARD  
LAND COMPANY INC., AND OTHERS for an order pursuant to  
section 79 of the Act;

BETWEEN:

STANDARD LAND COMPANY INC., Winston E. GASKIN as  
himself, as sole surviving shareholder, director and officer of Standard  
Land Company Inc. (and affiliates), and Yolanda T. ZEBKO of Irvine,  
California, partner to Winston E. GASKIN, and for the “Families of  
Standard Land”

APPLICANT

AND

And (Court seal) Edward ROGERS III, Melinda ROGERS-HIXON, the  
Estate of Loretta Anne ROGERS, Deceased, Rogers Communications  
Inc., “Rogers Communications (Canada) Inc.”, Rogers Wireless  
Partnership, Rogers Communications Partnership, Rogers Control Trust,  
Rogers Family Trust, all affiliates, directors, trustees, officers, agents  
and assigns, and others

RESPONDENT

AND

The owners and all others interested in The Ship Rogers  
Communications Inc., and her cargo and freight

RESPONDENT

AND

Attorney General of Canada, Canadian Human Rights Commission,  
Canada Revenue Agency, Competition Bureau Canada, as represented  
by His Majesty the King

THIRD PARTY

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NOTICE OF APPLICATION FOR LEAVE  
(Pursuant to section 103.1 of the Competition Act)

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TAKE NOTICE THAT:

**1. The Applicant will make an application to the Competition Tribunal (“Tribunal”) on a date and time to be set by the Tribunal at Calgary, Alberta or such other place as may be agreed upon pursuant to section 103.1 of the Competition Act (the “Act”) seeking leave to bring an application for:**

a. an Order pursuant to section 79(1) of the Act prohibiting Respondents for a period of 10 years prohibiting the Applicant from engaging in (i) any practices that pertain to the leasing, ownership, acquisition, operation, procurement, management or supply of telecommunications leasing or infrastructure ownership related to telecommunications and cable, fiber or data centres or other like assets in Western Canada whether on freehold or Crown lands in the provinces of Saskatchewan, Alberta, British Columbia,

Manitoba or such other provinces where the Respondent is found to be in violation pending investigation.

b. an additional or alternative Order pursuant to section 79(2) of the **Act requiring Respondents, jointly and severally, to pay an administrative monetary penalty to the Applicant, or such other as the Applicant may reasonably request, within five business days of the Tribunal's Order, and to require divestiture of assets of the Respondents both in rem and in personam in order to overcome the practices.**

c. an Order pursuant to section 79(3.1) of the Act requiring Respondents, jointly and severally, to pay an administrative monetary penalty represented by the amount of revenue earned by Rogers Communications Inc. from all sites secured by the Applicant in Canada between September 1, 2013 and the date of the Order, multiplied by three, or such other amount or arrangement as the Applicant may request and the Tribunal deems just;

d. an Order for interim relief, in the amount of Forty Million \$40,000,000.00 dollars, representing one-year of damages experienced by the Applicant using the formula described in "c" above, prior to completion of an investigation and to promote the interest of procedural fairness;

e. an Order expediting the hearing of the within Application;

f. an Order for costs of the within Application; and

g. such further and other orders as the Applicant may request and the Tribunal deems just upon review of the Applicant materials.

2. The persons against whom the orders are sought are the Respondents: Rogers Communications Inc., and others to be determined pending the results of an investigation.

3. The Applicant will rely on the **Statement of Grounds and Material Facts** attached as Schedule “A” to the **Proposed Notice of Application**; the **Affidavit** of Winston E. Gaskin sworn November 25, 2023 and all correspondence with the Applicant and the Competition Bureau’s law officers (2); the **Memorandum of Fact and Law accompanying this Application**; and such further or other material as counsel may advise and the Tribunal may permit including an appeal book record prepared by Fasken Martineau DuMoulin, counsel for Rogers Communications Inc. and presented to the Federal Court of Appeal in matter T-353-22 containing approximately 6800 pages of submissions relevant to this matter and an odd **Dismissal Order dated April 14, 2023** by a Prothonotary / “Associate’ Judge, Catherine Coughlan, **prohibited by law** (Federal Courts Act & Rule 50 “a” thru “m”) without jurisdiction in the matters related to these Respondents with one exception.

4. The Applicant requests that this Application be heard in the English language.

5. That the Tribunal engage the Attorney General.

The Applicant requests that the documents for this Application be filed in electronic form.

Dated at CALGARY this 9th day of February, 2024.

X   
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Winston E. Gaskin

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TO:

RESPONDENT:

1. Rogers Communications Inc.  
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Toronto, Ontario M4W 0A1  
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2. Rogers Communications Inc.  
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THIRD PARTIES:

3. HIS MAJESTY THE KING

Attorney General of Canada

[AGC\\_PGC\\_OTTAWA@JUSTICE.GC.CA](mailto:AGC_PGC_OTTAWA@JUSTICE.GC.CA)

4. AND TO:

Matthew Boswell

Commissioner of Competition Competition

Bureau 50 Victoria Street Gatineau,

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