

Competition Tribunal



Tribunal de la concurrence

Citation: *Consumers Council of Canada v Live Nation Entertainment, Inc., Ticketmaster LLC, Live Nation, Canada, Inc., Live Nation Ontario, Concerts GP, Inc., Reseau Admission ULC, Ticketmaster Canada LP, Ticketmaster Canada ULC*, 2026 Comp Trib 12

File No.: CT-2025-008

Registry Document No.: 26

IN THE MATTER OF an application for an order granting leave under section 103.1 of the *Competition Act*, RSC 1985, c C-34, to commence an application under sections 77 and 79 of the *Competition Act*;

BETWEEN:

Consumers Council of Canada
(applicant)

and

**Live Nation Entertainment, Inc.,
Ticketmaster LLC, Live Nation,
Canada, Inc., Live Nation Ontario,
Concerts GP, Inc., Reseau Admission
ULC, Ticketmaster Canada LP,
Ticketmaster Canada ULC**
(respondents)



Decided on the basis of the written record.

Before: Justice Denis Gascon (Presiding Member)

Date of order: March 13, 2026

ORDER REGARDING AMENDMENTS TO THE APPLICATION FOR LEAVE

[1] **UPON AN INFORMAL MOTION** made by the Applicant on February 20, 2026 under section 81 of the *Competition Tribunal Rules*, SOR/2008-141 (“**CT Rules**”), requesting permission to file a supplementary affidavit of Maria Arabella Robles affirmed on February 13, 2026 (“**Supplementary Affidavit**”) and an amended memorandum of fact and law (“**Amended MOFL**”) bearing the same date for use in its application for leave under section 103.1 of the *Competition Act*, RSC 1985, c C-34 (“**Act**”);

[2] **CONSIDERING** that this informal motion is filed further to Directions issued by the Tribunal on January 26 and February 19, 2026 and that the purpose of the Supplementary Affidavit and Amended MOFL is to address matters flowing from the decision in *Alexander Martin v Alphabet Inc., Google LLC, Google Canada Corporation, Apple Inc., and Apple Canada Inc.*, 2026 Comp Trib 3, issued by the Tribunal on January 13, 2026 (“**Martin v Google and Apple**”);

[3] **CONSIDERING** that the Applicant’s application for leave was filed on December 22, 2025, prior to the issuance of *Martin v Google and Apple*;

[4] **CONSIDERING** that *Martin v Google and Apple* is the first Tribunal decision to address the criteria for leave in the public interest under subsection 103.1(7) of the Act;

[5] **CONSIDERING** that the Tribunal has received and read the submissions made by the Applicant in a letter dated February 20, 2026 in support of its informal motion, the Supplementary Affidavit, the Amended MOFL, and the responding submissions made by the Respondents in a letter dated February 27, 2026;

[6] **CONSIDERING** that, in the Tribunal’s view, the Supplementary Affidavit and Amended MOFL contain information relevant to the legal criteria for leave in the public interest as described in *Martin v Google and Apple*;

[7] **CONSIDERING** that the Applicant promptly advised the Respondents and the Tribunal of its request to file additional evidence and arguments in support of its leave application, within days of the release of *Martin v Google and Apple*;

[8] **CONSIDERING** that the present application for leave under section 103.1 is at a very early stage, as the Respondents have not yet filed any written representations in response to the application;

[9] **CONSIDERING** that the Respondents received copies of the Supplementary Affidavit and Amended MOFL in mid-February 2026, and copies of the Applicant’s initial materials in late December 2025, which allows them sufficient time to understand and respond to all of the Applicant’s evidence and submissions filed in support of its leave application and to file their representations on the application for leave under section 103.1, as contemplated by the Act and the CT Rules;

[10] **CONSIDERING** that the Respondents also have an opportunity to file a motion for leave to file responding evidence pursuant to CT Rule 119(3);

[11] **CONSIDERING** that the Supplementary Affidavit and Amended MOFL deal with the steps the Applicant has done and intends to do to obtain funding to pursue this matter, the steps the Applicant has done and intends to do to obtain evidence for the application, and the experience of counsel for the Applicant in competition law, all of which directly flow from *Martin v Google and Apple*;

[12] **BEING SATISFIED** that the circumstances in the present leave application are different from those mentioned in *Martin v Google and Apple*, notably at paragraphs 231–237;

[13] **BEING SATISFIED** that, even though the Supplementary Affidavit and Amended MOFL contain certain evidence that was available to the Applicant when it filed its application for leave and address, at least in part, issues of which the relevance was known to the Applicant or could have been known prior to the release of *Martin v Google and Apple*, the Tribunal has the discretion to accept these additional materials (*Audatex Canada, ULC v CarProof Corporation*, 2015 Comp Trib 28 at paras 35, 38);

[14] **BEING SATISFIED** that, given the novelty and importance of the new private-access regime under subsection 103.1(7) and the previously unknown guidance now provided by *Martin v Google and Apple*, the Supplementary Affidavit and the Amended MOFL will assist the Tribunal and serve the interest of justice;

[15] **FINDING** that the Respondents have not shown that they will suffer any prejudice by the filing of the Supplementary Affidavit and Amended MOFL, nor that the filing of these additional materials will be unfair or enable the Applicant to gain any procedural advantage;

[16] **FINDING** that in the circumstances, the Respondents will have a full and fair opportunity to respond to the application for leave under section 103.1, including the new materials adduced by the Applicant, as contemplated by the Act and the CT Rules;

[17] **DETERMINING** that, for these reasons, it is in the interest of justice for the Tribunal to exercise its discretion to permit the Applicant to file the Supplementary Affidavit and Amended MOFL;

[18] **CONSIDERING** the letter dated January 22, 2026 submitted by counsel for the Respondents on behalf of the parties regarding a schedule for the next steps in this application; and

[19] **DETERMINING** that the scope of the evidence to be submitted in response to the application shall be finalized before written submissions are filed by the Respondents and that the schedule for the remaining steps towards a decision on the Applicant’s application for leave shall be adjusted accordingly;

THE TRIBUNAL ORDERS THAT:

[20] The Applicant is granted permission to file the supplementary affidavit of Maria Arabella Robles affirmed on February 13, 2026 and its amended memorandum of fact and law dated February 13, 2026, for use on its pending application for leave under section 103.1.

[21] These additional materials are deemed to be filed effective on the date of this Order.

[22] If the Respondents seek leave to file evidence in accordance with CT Rule 119(3), the remaining steps towards a decision on the Applicant's application for leave shall be as follows:

- (a) Friday, March 27, 2026: the Respondents shall serve and file their motion (formal or informal) for leave to file responding evidence pursuant to CT Rule 119(3), including the draft affidavit(s) contemplated to be filed;
- (b) Friday, April 10, 2026: the Applicant shall file and serve any response to the Respondents' motion;
- (c) Friday, April 17, 2026: the Respondents shall file and serve any written argument in reply;
- (d) Friday, May 1, 2026: the Tribunal will issue its decision on the Respondents' motion to file responding evidence;
- (e) Friday, May 22, 2026: the Respondents shall serve and file their responding evidence for which leave will have been granted, if applicable, as well as their written representations in response pursuant to subsection 103.1(6) of the Act;
- (f) Friday, June 5, 2026: the Applicant shall serve and file its reply memorandum of fact and law, if any. The Applicant may request additional time after receiving the Respondents' materials, depending on their length and complexity.

[23] If the Respondents do not seek to file evidence in accordance with CT Rule 119(3), the remaining steps towards a decision on the Applicant's application for leave until leave shall be as follows:

- (a) Friday, April 17, 2026: the Respondents shall serve and file their written representations in response to the application for leave pursuant to subsection 103.1(6) of the Act;
- (b) Friday, May 1, 2026: the Applicant shall serve and file its reply memorandum of fact and law, if any.

[24] No costs are awarded on this informal motion.

DATED at Ottawa, this 13th day of March 2026.

SIGNED on behalf of the Tribunal by the Presiding Member.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

Consumers Council of Canada

David Sterns
Adil Abdulla
Maria Arabella Robles

For the respondents:

**A Live Nation Entertainment, Inc.,
Ticketmaster LLC, Live Nation, Canada,
Inc., Live Nation Ontario, Concerts GP,
Inc., Reseau Admission ULC, Ticketmaster
Canada LP, Ticketmaster Canada ULC**

Linda Plumpton
James Gotowiec
Colette Koopman
Martha Cote