

COMPETITION TRIBUNAL

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

IN THE MATTER OF an application by the Canadian Standard Travel Agent Registry, doing business as CSTAR, for an order pursuant to section 103.1 granting leave to make application under section 75 of the *Competition Act*;

AND IN THE MATTER OF an application by the Canadian Standard Travel Agent Registry, doing business as CSTAR for an interim order pursuant to section 104 of the *Competition Act*.

BETWEEN:

CANADIAN STANDARD TRAVEL AGENT REGISTRY
doing business as CSTAR

Applicant

and

INTERNATIONAL AIR TRANSPORT ASSOCIATION
doing business as IATA

Respondent

AFFIDAVIT OF ERYN MCGLYNN
(sworn October 21, 2009)

I, Eryn McGlynn, of the Town of Newcastle, in the Regional Municipality of Durham, MAKE OATH AND SAY:

1. I am a legal assistant with McMillan LLP, lawyers for the Respondent in the within application and, as such, have knowledge of the matters to which I depose herein. Where I do not have personal knowledge, I state the source of my information and believe it to be true.
2. A letter dated August 14, 2008, sent by McMillan LLP to Mr. Bruce Bishins, president and director of Canadian Standard Travel Agent Registry (“CSTAR”), regarding CSTAR’s

payment of the costs award made on July 10, 2008, by Justice Simpson (the "Award") is attached as Exhibit "A" to my affidavit.

3. An email dated August 15, 2008, from Mr. Bishins to McMillan LLP attaching a copy of the current balance of CSTAR's Royal Bank and Pay Pal account is attached as Exhibit "B" to my affidavit.

4. A letter dated August 15, 2008, from Mr. Bishins to the Ministry of Finance, BC Registry Services advising that he has resigned as a director from CSTAR and that CSTAR is insolvent and has ceased all operations is attached as Exhibit "C" to my affidavit.

5. A letter dated September 8, 2008, from McMillan LLP to Mr. Bishins regarding the financial capacity of CSTAR to satisfy Award attached as Exhibit "D" to my affidavit.

6. A letter dated September 24, 2008, from McMillan LLP to Mr. Bishins regarding Mr. Bishins' new role as president of ARTA Canada Inc. ("ARTA") is attached as Exhibit "E" to my affidavit.

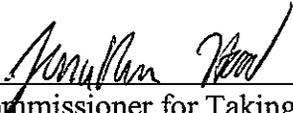
7. An email exchange on September 24, 2008, between McMillan LLP and Mr. Bishins regarding Mr. Bishins' new role as president of ARTA is attached as Exhibit "F" to my affidavit.

8. A corporate search of CSTAR done on October 2, 2009, showing that Mr. Bishins is still a director of CSTAR is attached as Exhibit "G" to my affidavit.

9. A letter dated October 7, 2009 serving a direction to attend on Mr. Bishins to attend an examination in aid of execution as a representative of CSTAR is attached as Exhibit "H" to my affidavit.

10. An email dated October 7, 2009, from Mr. Bishins' to McMillan LLP claiming that Mr. Bishins is not a representative of CSTAR is attached as Exhibit "I" to my affidavit.

SWORN BEFORE ME at the City of
Toronto, on October 21, 2009.



Commissioner for Taking Affidavits



Eryn McGlynn

TAB A

This is Exhibit "A" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.



A Commissioner for Taking Affidavits etc.

Reply Attention of D. Martin Low, Q.C.
Direct Line 416.865.7100
Direct Fax 647.722.6743
Internet Address martin.low@mcmillan.ca
Our File No. 0090211
Date August 14, 2008

PERSONAL SERVICE

Privileged and Confidential

Mr. Bruce Bishins
61 Hayden Street
Toronto, ON M4Y 3B2

Dear Mr. Bishins:

**Re: Canadian Standard Travel Agent Registry v.
International Air Travel Association**

On August 1, 2008, you left a message with my assistant indicating that CSTAR was being wound up and you were resigning as president. Your former counsel has finally informed me that they are no longer representing CSTAR or you personally and I am therefore communicating directly with you.

Your message did not refer to the costs order dated July 10, 2008 of Justice Simpson. I infer from your message that CSTAR will seek to avoid its obligations under that order and will not pay the \$15,000 to IATA as required. Please advise me immediately if that assumption is incorrect.

A corporate search conducted August 13, 2008, shows that CSTAR has not been wound up and that you are still a director of CSTAR.

Pursuant to section 268 of the BC Company Act (which applies to CSTAR pursuant to section 71 of the BC Society Act) the majority of the directors of CSTAR are obliged to swear an affidavit that they are of the opinion that CSTAR will be able to pay its debts in full within the period not exceeding 12 months from the commencement of the winding up. The affidavit must be made 5 weeks immediately preceding the date of the corporate resolution for the winding up of CSTAR. Every director of CSTAR commits an offence who makes an affidavit under this section without having reasonable grounds for the opinion that CSTAR will be able to pay its debts in full within the period specified in the affidavit.

IATA is not foregoing its right to the \$15,000 award of costs. Please send us the affidavit from CSTAR's directors that was sworn pursuant to section 268 of the BC Company Act and make arrangements with us to pay the \$15,000 by August 20, 2008. Please be advised that we intend to take all available measures to compel payment. We also reserve our rights to commence legal action against you personally and in your capacity as director of CSTAR if this matter is not resolved amicably.

Yours truly,

**Original Signed by
Jonathan Hood**

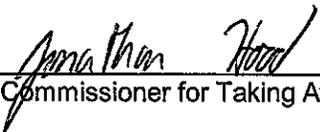
D. Martin Low

/at

Copy to: J. Hood, McMillan LLP

TAB B

This is Exhibit "B" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

From: Bruce Bishins - Helen Thompson Travel [mailto:bruce@httrips.com]
Sent: Friday, August 15, 2008 11:10 AM
To: Jonathan Hood
Subject: CSTAR Bank Accounts

Hello Jonathan:

Further to our discussion, and pending the receipt of the physical paper bank statement, I am appending below a copy of the current statements from both RBC and PayPal (used for online payments).

Both accounts are at a zero balance.

The accounts have been closed.

CSTAR has no other bank accounts or any other monetary or other assets in any other financial institution.

Please note that CSTAR's web site and our e-mail accounts have also been terminated. You may use bruce@httrips.com to contact me.

Thank you.

Best regards,
Bruce



> [Banking](#)

Chequing

15 Aug 2008

CAD Chequing 06742-1009661

[Printable version](#)

Self Service

Show [All Transactions](#) for the last 30 days

[Service Charge Information](#)

- [▶ Pay bills & transfer funds](#)
- [▶ Search for a transaction](#)
- [▶ Stop payments/ cheques](#)
- [▶ Order new cheques](#)
- [▶ Change statement options](#)
- [▶ Change address](#)
- [▶ Nickname accounts](#)
- [▶ Copy to accounting software](#)

Click on a link under Description below to view an image of the item.
Select "[Sort transactions](#)" to set a date order preference.

Date	Description	Debit	Credit	Balance
13 Aug 2008	WWW PAYMENT - 7944	553.72		0.00
7 Aug 2008	MISC PAYMENT -PAYPAL PTE LTD		522.92	553.72
1 Aug 2008	MINIMUM FEE	6.00		30.80
15 Jul 2008	CHEQUE - 30110	1,000.00		36.80

Research, Purchase & App

- [▶ Chequing & Deposit Accts](#)
- [▶ Overdraft protection](#)
- [▶ Business Client Card](#)
- [▶ Small Business Visa card](#)

Customer Service

- [▶ Customer Support Centre](#)



Set Up Your Account

- > [Add Credit Card](#)

What's New

- > [Policy Updates: August 20, 2008](#)
- > [Learn about important updates to Recent Activity](#)
- > [Protect Yourself from Fraudulent Emails](#)
- > [Recommended Steps for Merchants](#)
- > [Redeem Gift Certificates and Points](#)
- > [Security Tips](#)

My Account Overview

Welcome, **Bruce Bishins** (postmaster@cstar.ca) [Edit profile](#)

Business Name: **CSTAR**

Account holder since **2007**

Account type: **Business**

Status: **Verified (0)**

PayPal balance	Manage Currency
Currency	Balance
Canadian Dollar (Primary):	\$0.00 CAD
U.S. Dollar:	\$0.00 USD
Current Total in CAD:	\$0.00 CAD

Account history: [All account activity](#) | [Payments sent](#) | [Payments received](#)

Recent activity - Last updated 8/15/2008 10:54 EDT

-No New Items



TAB C

This is Exhibit "C" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.



Ministry of Finance
BC Registry Services
POB 9431 Stn Prov Gvt
Victoria, BC
V8W 9V3

15 August 2008

Regarding BC Society S-38464
Canadian Standard Travel Agent Registry

Dear Registrar:

This is to advise that the Canadian Standard Travel Agent Registry (CSTAR) is insolvent and has ceased all operations.

Effective immediately:

1. CSTAR has ceased doing business.
2. CSTAR has closed its office in Vancouver, British Columbia.
3. CSTAR has closed its office in Toronto, Ontario.
4. All CSTAR directors have resigned:
 - Bishins, Bruce
 - Miller, David
 - Parry, Mary
 - Shaw, David
5. CSTAR has no assets of any kind.
6. CSTAR does not have any tax, government, or salary liabilities.
7. CSTAR does have trade liabilities which it will not be able to pay.
8. CSTAR has closed its bank accounts with zero balances.
9. All CSTAR members have been notified.

We understand that CSTAR cannot file for voluntary dissolution due to the outstanding trade liabilities it has. This notwithstanding, CSTAR wishes to advise you of its defunct status and requests that it be struck from the BC Registry in accordance with prevailing regulations. CSTAR will not file any further Annual Reports (Form 11).

Thank you for your attention to this matter.

Respectfully yours,

Bruce Bishins
Former Director

TAB D

This is Exhibit "D" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

mcmillan

Reply Attention of D. Martin Low, Q.C.
Direct Line 416.865.7100
Direct Fax 647.722.6743
Internet Address martin.low@mcmillan.ca
Our File No. 0090211
Date September 8, 2008

VIA COURIER

Privileged and Confidential

Mr. Bruce Bishins
61 Hayden Street
Toronto, ON M4Y 3B2

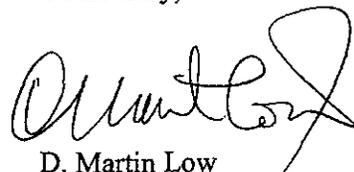
Dear Mr. Bishins:

**Re: Canadian Standard Travel Agent Registry v.
International Air Travel Association**

Further to your conversation with my colleague, Jonathan Hood, on August 15, 2008, this is to advise that IATA does not wish to pursue your offer to provide services to IATA. We have reviewed the information you have provided with regard to the financial capacity of CSTAR, and it would appear that you and CSTAR will not take steps to satisfy the judgment debt against CSTAR, pursuant to the Order of Justice Simpson of July 10, 2008.

You will appreciate that our client has been compelled to incur significant expenses on at least four occasions as a result of actions taken by CSTAR under your direction and control. None of these instances have had a shred of factual or legal merit, but you and CSTAR have evaded any responsibility for the costs that were necessarily incurred as a result of your action under the corporate veil of CSTAR. In those circumstances, it will come as no surprise to you to know that in the event that any future proceedings are initiated against our client by you or any entity of which you are an officer, director or managerial employee, we will be seeking an order against you and that entity for security for costs.

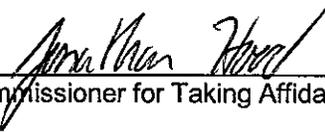
Yours truly,



D. Martin Low

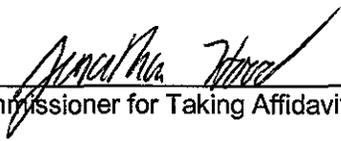
TAB E

This is Exhibit "E" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

TAB F

This is Exhibit "F" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

Jonathan Hood

From: Martin Low
Sent: Thursday, September 25, 2008 7:37 PM
To: 'Bruce Bishins - ARTA Canada'
Cc: Jonathan Hood
Subject: RE: Letter of 24 September

Mr. Bishins

We can certainly disagree about many things, but we will see what a Court thinks, if the time ever comes.

Regards,

D. Martin Low Q.C.
McMillan LLP
Brookfield Place, Suite 4400
Bay Wellington Tower, 181 Bay Street
Toronto Ontario M5J 2T3

Tel. 1 (416) 865 7100
Fax 1 (416) 865 7048
martin.low@mcmbm.com

This message and any attachment are privileged and confidential. If you are not the intended recipient, please call or email the sender and delete the message and any attachment from your system. If you are not the intended recipient, you may not read or copy the message or any attachment, or disclose the contents thereof to any other person.

-----Original Message-----

From: Bruce Bishins - ARTA Canada [mailto:bbishins@artacanada.ca]
Sent: Thursday, September 25, 2008 7:33 PM
To: Martin Low
Cc: Jonathan Hood
Subject: Letter of 24 September

** WITHOUT PREJUDICE **

Dear Mr. Low:

I acknowledge receipt of your letter dated 24 September 2008 received today.

I wish to comment on some of the allegations which you make so that the record can be set straight.

1. ARTA Canada is in no way "another incarnation" of CSTAR. The two organizations are in no way connected, nor were/are their respective legal forms similar.
2. As we have never provided any details to anyone as to who was and who was not a former CSTAR member, your assertion that the ARTA Canada board is comprised of former CSTAR members is without foundation.
3. You are correct that former CSTAR member agencies are given a free membership in ARTA Canada. However, this is not a promotion or benefit solely for former CSTAR member travel agencies. As you can see from the ARTA Canada web site, the free membership promotion is also offered to members of AQC, ACTA, CCTA, the Travel Alliance or any other Canadian-based

travel agency association. There is no benefit of any kind at ARTA Canada which accrues solely to former members of CSTAR.

You may treat ARTA Canada as you see fit. However, I wanted to be sure that it is clear that ARTA Canada has no relationship now or ever had any relationship with the former CSTAR.

Thank you.

Sincerely yours,

Bruce Bishins, CTC
President and CEO
ARTA Canada Inc.

TAB G

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the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

TAB H

This is Exhibit "H" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

mcmillan

Reply Attention of Jonathan Hood
Direct Line 416.865.7255
Internet Address jonathan.hood@mcmillan.ca
Our File No. 90211
Date October 7, 2009

COURIER & EMAIL

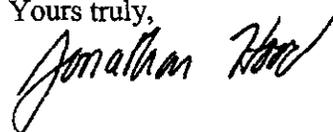
Bruce Bishins
2 Carlton Street
Suite 1000
Toronto, Ontario
M5B 1J3
Canada

Dear Mr. Bishins:

**Re: Canadian Standard Travel Agent Registry v.
International Air Transport Association, Court File No. CT-
2008-006**

Our client has instructed us to conduct an examination in aid of execution of Canadian Standard Travel Agent Registry ("CSTAR") in this matter. Attached is Direction to Attend as a representative of CSTAR and produce for inspection certain documents at an examination in aid of execution scheduled for October 27, 2009 at 10:00 am which is served on you pursuant to the *Federal Court Rules*.

Yours truly,



Jonathan Hood

/em

Reference: *Canadian Standard Travel Agent Registry v. International Air Transport Association*, 2008 Comp. Trib. 17

File No.: CT-2008-006

Registry Document: No.: 0051

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

AND IN THE MATTER of an Application by the Canadian Standard Travel Agent Registry doing business as CSTAR for an Order pursuant to section 103.1 granting leave to make an Application under section 75 of the *Competition Act*;

AND IN THE MATTER of an Application by the Canadian Standard Travel registry doing business as CSTAR, for an Interim Order pursuant to section 104 of the *Competition Act*.

B E T W E E N :

**Canadian Standard Travel Agent Registry
doing business as CSTAR
(applicant)**

and

**International Air Transport Association
doing business as IATA
(respondent)**

DIRECTION TO ATTEND

TO: Bruce Bishins as representative of Canadian Standard Travel Agent Registry doing business as CSTAR (the "Applicant")

YOU ARE REQUIRED TO ATTEND AN EXAMINATION for discovery in aid of execution against the Applicant as the Applicant's representative on October 27, 2009, at 10:00, at the office of Victory Verbatim Reporting Services, 222 Bay Street, Toronto, Ontario, M5K 1H6.

YOU ARE ALSO REQUIRED TO BRING WITH YOU and produce at the examination the following documents and things:

Any and all of the Applicant's: bank account passbooks, records and statements for the last seven (7) years; books of account; bills of exchange; share certificates owned by the Applicant; Income Tax Returns including supporting documentation filed in the last seven (7) years; documents indicating any indebtedness to the Applicant and by the Applicant to others whatsoever and including documents relating to the Applicant's financial position, ownership of property, interest in any partnership, and the disposal of the said property or interest prior to or subsequent to the judgment made against the Applicant.

TRAVEL EXPENSES for 1 day of attendance is served with this direction, calculated in accordance with Tariff A of the *Federal Courts Rules* as follows:

Attendance allowance of \$ 20 daily	<u> \$ 20 </u>
Transportation allowance	<u> </u>
Overnight accommodations and meal allowance	<u> </u>
TOTAL	<u> \$ 20 </u>

If further attendance is required, you will be entitled to additional money.

THE EXAMINATION WILL BE CONDUCTED IN English. If you prefer to be examined in the other official language, an interpreter may be required and you must immediately advise the solicitor for the party conducting the examination.

IF YOU FAIL TO ATTEND OR REMAIN UNTIL THE END OF THIS EXAMINATION, YOU MAY BE COMPELLED TO ATTEND AT YOUR OWN EXPENSE AND YOU MAY BE FOUND IN CONTEMPT OF COURT.

INQUIRIES CONCERNING THIS DIRECTION may be directed to Jonathan Hood at (416) 865-7255

October 7, 2009

McMILLAN LLP
Brookfield Place
181 Bay Street, Suite 4400
Toronto, Ontario
M5J 2T3

Jonathan Hood
Tel: (416) 865-7255
Fax: (416) 865-7048

Lawyers for the Respondent

B E T W E E N :

Canadian Standard Travel Agent Registry
doing business as CSTAR
(applicant)

- and -

International Air Transport Association
doing business as IATA
(respondent)

DIRECTION TO ATTEND

McMILLAN LLP
Brookfield Place
181 Bay Street, Suite 4400
Toronto, Ontario
M5J 2T3

Jonathan Hood
Tel: (416) 865-7255
Fax: (416) 865-7048

Lawyers for the Respondent

Royal Bank of Canada
MAIN BRANCH
ROYAL BANK PLAZA
TORONTO, ONTARIO
M5J 2J7

MCMILLAN LLP

No. 234079

DATE 10/06/09

PAY

****EXACTLY*****20* DOLLARS AND *00*CENTS**

\$	20.00
----	-------

TO THE
ORDER OF

Bruce Bishins

PER 

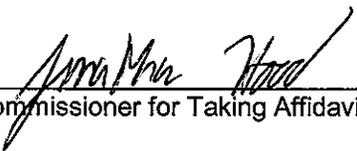
PER _____

AUTHORIZED SIGNATURES

⑈ 234079⑈ ⑆0000 2⑈003⑆ 000⑈4, 20⑈0⑈

TAB I

This is Exhibit "I" referred to in
the Affidavit of ERYN MCGLYNN,
sworn before me this 21st
day of October 2009.


A Commissioner for Taking Affidavits etc.

Jonathan Hood

From: Bruce Bishins [bruce.bishins@gmail.com]
Sent: Wednesday, October 07, 2009 2:43 PM
To: Jonathan Hood
Subject: Re: Our telephone conversation

Dear Mr. Hood:

As stated in my e-mail to you earlier today, I am not a representative of CSTAR and cannot assist you with any matter regarding it.

Sincerely yours,

Bruce Bishins

On Wed, Oct 7, 2009 at 2:27 PM, Jonathan Hood <Jonathan.Hood@mcmillan.ca> wrote:

Mr. Bishins:

I see that you are using a different email address than the one I sent a copy of the attached letter to this morning. Please confirm that you will not be attending the examination in aid of execution scheduled for October 27, 2009.

Regards,

Jonathan

mcmillan

Jonathan Hood

Associate
d 416.865.7255 | f 416.865.7048
jonathan.hood@mcmillan.ca

Assistant: Cathrina Tupe | 416.865.7120 | cathrina.tupe@mcmillan.ca

McMillan LLP

Lawyers
Brookfield Place, 181 Bay Street, Suite 4400
Toronto, Ontario M5J 2T3
[my bio | mcmillan.ca](http://my.bio|mcmillan.ca)

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Please consider the environment before printing this e-mail.

From: Bruce Bishins [mailto:bruce.bishins@gmail.com]
Sent: Wednesday, October 07, 2009 1:35 PM
To: Jonathan Hood
Subject: Our telephone conversation

Dear Mr. Hood:

Further to your phone call to me today, I am not a representative of CSTAR.

I resigned any relationship with CSTAR in August 2008. As indicated to you and your colleagues several times, CSTAR is no longer operational and became insolvent in August 2008. The BC Registrar of Societies was notified accordingly. Please refer to Mr. Low's letter to me dated 08 September 2008 wherein your firm and your client appear to be fully aware of this situation.

I am sorry that I cannot assist you with any matters involving the former CSTAR.

Please note that CSTAR was a volunteer-managed society, where no volunteers had any personal or financial interest in CSTAR, nor were any volunteers, including myself, salaried or remunerated in any way.

I trust that this helps you and your client understand this matter better.

Sincerely yours,

Bruce Bishins

**CANADIAN STANDARD TRAVEL
AGENT REGISTRY**
Applicant

- and -

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION**
Respondent

Court File No: CT-2008-006

COMPETITION TRIBUNAL

**AFFIDAVIT OF ERYN MCGLYNN
(SWORN OCTOBER 21, 2009)**

McMILLAN LLP
Barristers and Solicitors
Brookfield Place, Suite 4400
Bay Wellington Tower, 181 Bay Street
Toronto, Ontario M5J 2T3

David W. Kent
Eric Vallières
Jonathan Hood

Tel.: 416.865.0000
Fax: 416.865.7048

Lawyers for the Respondent