

Competition Tribunal



Tribunal de la concurrence

Citation: *Winston Gaskin et al. v Rogers Communications Inc. et al.*, 2025 Comp Trib 3

File No.: CT-2024-002

Registry Document No.: 13

IN THE MATTER OF an attempted filing of an application for leave under section 103.1 of the *Competition Act* to commence applications under section 79 of the *Competition Act*, RSC 1985, c C-34, as amended;

BETWEEN:

**Winston Gaskin, Standard Land
Company Inc. and others**
(proposed applicants)

and

**Rogers Communications Inc. and
others**
(proposed respondents)



Decided on the basis of written materials
Before: Justice Andrew D. Little, Chairperson
Date of order: March 27, 2025

ORDER, DIRECTIONS AND REASONS

[1] On March 13, 2025, Mr Gaskin again attempted to file numerous documents with the Registry, many of which had been sent before for attempted filing in some form. Mr Gaskin included in his materials a letter addressed to the Tribunal dated March 11, 2025, and a letter addressed to the Canadian Human Rights Commission, Legal Services Division, dated March 11, 2025.

[2] On March 19, 2025, Mr Gaskin sent an affidavit of service to the Registry.

[3] On March 25, 26 and 27, 2025, Mr Gaskin sent many more documents. One was another request for an urgent *ex parte* hearing for a motion on a wide variety of issues and matters.

A. The Tribunal's Prior Order and Directions

[4] The Tribunal previously issued a Direction, Order and Reasons dated April 15, 2024; a Direction dated February 4, 2025; and a Direction dated February 25, 2025 (collectively, the "Prior Order and Directions").

[5] The Tribunal's Prior Directions and Order have confirmed and detailed some of the critical requirements to successfully start an application under the *Competition Act* and the *Competition Tribunal Rules*. See esp. Direction, Order and Reasons dated April 15, 2024, at paragraphs 6-19, 25, 28, 32.

[6] Compliance with the *Competition Tribunal Rules* is mandatory, not optional, not least when starting a lawsuit and serving it on proposed respondents. Proper personal service of an originating document is a fundamental step in any proceeding.

B. Analysis of Latest Documents sent to the Registry

a. Affidavit of Service sent on March 19, 2025

[7] On March 19, 2025, Mr Gaskin sent the Registry an affidavit of service of Michael Wallace sworn on March 17, 2025, indicating that Mr Wallace served Rogers Communications Inc. and Rogers Communications Canada Inc. with "the Notice of Application, Proposed Notice of Application, Application for Leave and Affidavit dated November 25, 2023".

[8] From an email and an invoice sent to the Registry with the affidavit of service (not as exhibits to it), it appears that the documents mentioned in the affidavit of service were documents that had already been sent to the Registry. They were styled as:

- (a) a Notice of Application for Leave (pursuant to section 103.1 of the Competition Act) dated February 9, 2024;
- (b) a proposed Notice of Application (pursuant to section 79 of the Competition Act) dated February 9, 2024;
- (c) an Affidavit of Winston E. Gaskin dated February 13, 2023, apparently signed but not commissioned, in a proposed class proceeding in the Competition Tribunal, and

(d) an URGENT Notice of Application bearing a date of December 7, 2023.

[9] It is also noted that the style of cause in items (a) and (b) are the same. The style of cause in items (c) and (d) are different from each other, and also from (a) and (b). There are some overlaps in the parties named as proposed respondents.

[10] There is no indication that the documents have been served recently on the Commissioner of Competition, which is a necessary step under the *Competition Act* when commencing an application for leave under section 103.1.

[11] The Tribunal has already commented at length on three of these documents. Items (a), (b) and (c) were discussed in paragraphs 3-12 of its Directions, Order and Reasons dated April 15, 2024. The Tribunal did not accept those three documents for filing about a year ago, for the reasons explained. They remain not acceptable for filing today. The fundamental problems with the documents' contents remain the same as in April 2024. An affidavit of service on one or two of the many proposed respondents does not change the status of the documents in the Registry.

[12] Item (d), the "URGENT Notice of Application", appears to be an application for judicial review of decisions made by the Competition Bureau and the Competition Tribunal. Item (d) is not properly filed before the Tribunal. It is not accepted for filing.

[13] The Tribunal confirms that Mr Gaskin's filing of the affidavit of service has not resulted in the proper commencement of an application for leave under section 103.1 of the *Competition Act*.

b. Numerous Other Documents sent to the Registry on March 13, 2025

[14] As he has done before on several occasions, Mr Gaskin sent the Registry many other documents without having first commenced a proceeding. The contents of the documents often do not concern anything in the Tribunal's statutory mandate. In doing so, Mr Gaskin continues not to comply with the *Competition Tribunal Rules* and has ignored or declined to abide by the Tribunal's Prior Order and Directions.

c. What the Tribunal does and does not do

[15] Referring now to Mr Gaskin's letter dated March 11, 2025: as confirmed in paragraph 18 of the Direction, Order and Reasons dated April 15, 2024, the Tribunal is an independent, adjudicative tribunal that neutrally makes decisions in lawsuits filed under the *Competition Act*. The Tribunal does not conduct its own investigations into complaints about conduct that is alleged not to comply with the statute. The Commissioner of Competition and staff at the Competition Bureau are responsible for such investigations.

[16] The Tribunal does not provide legal advice to persons who may wish to commence proceedings under the *Competition Act*, nor does it provide the assistance of legal counsel.

[17] The Tribunal will not convoke a case management meeting to discuss procedures or issues in a proceeding unless a party has properly commenced a proceeding before the Tribunal.

[18] Further, the Tribunal will not grant urgent relief such as an injunction without a proceeding within its jurisdiction that has been properly commenced.

[19] *Ex parte* applications to the Tribunal are exceedingly rare and there is no basis for one here.

[20] The Tribunal will not permit Mr Gaskin to file materials “that exceed 20,000 pages” as requested in paragraph 53 of the letter dated March 11, 2025.

d. More documents sent to the Registry on March 25, 26 and 27, 2025

[21] On March 25, 2025, Mr Gaskin sent the Registry an “Informal Letter of Motion & Additional Statement of Grounds and Material Facts (Ex parte)”, among other documents.

[22] This 41-page, 173-paragraph document apparently seeks an *ex parte* appearance before the Tribunal to obtain a long list of orders, including interim relief in the amount of \$96,000,000. Its contents are a disjointed mishmash of allegations and legalisms. For approximately 20 pages, there are allegations and claims under headings such as “Criminal Code Infractions (not exhaustive)”, “Immigration and Citizenship Interference”, the “Theft and Removal of Intellectual Property ...”, before reaching contents about the “Competition Bureau” and “Application for Leave – Competition Tribunal” and, on page 28, “FACTS”.

[23] This document is not accepted for filing. Its contents are largely beyond the jurisdiction of the Tribunal. It does not concern a proceeding properly commenced before the Tribunal. It is apparent from both its form and contents that it contains no proper or arguable cause of action that may be determined by this Tribunal.

[24] On March 26, 2025, Mr Gaskin sent two more documents: (a) an “offer for settlement” dated April 29, 2024, and amended August 28, 2024, and (b) a “Notice of Application for Recognition and Enforcement of an Arbitral Award”. Neither of these documents is accepted for filing. Neither one relates to a proceeding before the Tribunal.

[25] On March 27, 2025, Mr Gaskin sent yet another set of documents to the Registry, including two affidavits with many attached exhibits. The attachments include letters, statements of claim and notices of motion with various styles of cause (in Federal Court or a provincial court) including an “**urgent** *ex parte* motion for appeal and default judgment as per Federal Courts Rules ... and brought under the Canadian Human Rights Act and the Constitution Act ... & Charter of Rights and Freedoms ...” in the Federal Court, and more. There are thousands of pages in aggregate. None of the documents sent on March 27, 2025, is accepted for filing as they do not concern a proceeding commenced before the Tribunal.

e. The Tribunal’s Order and Direction Today

[26] The Tribunal has the power to control its own process and manage the matters before it, including the materials filed or attempted to be filed with the Registry. In addition to the Tribunal’s Prior Order and Directions, see *Competition Tribunal Act*, section 8; *Competition Tribunal Rules*, Rule 34(1); and *Federal Courts Rules*, Rules 72, 74.

[27] The Tribunal has already issued the Prior Order and Directions that concern Mr Gaskin's attempts to file documents to start a proper proceeding. This Order and Directions is the fourth. The Tribunal has also previously asked Mr Gaskin to re-read its Direction, Order and Reasons dated April 15, 2024 (see Direction dated February 25, 2025, at para 3).

[28] Mr Gaskin is aware from the Tribunal's prior Order and Directions, and from experiences in the Federal Courts, that procedural rules must be followed. He is also aware of what can happen if Rules, Orders and Directions are not followed. It may result in the dismissal of an action or an appeal, and removal of documents from the file of a court or the registry. See *Gaskin v Canada*, 2023 FC 1542; *Gaskin v Rogers*, 2023 FC 1588; Order of the Federal Court of Appeal dated January 18, 2024, in Court File A-194-23 (leave to the Supreme Court dismissed, August 29, 2024, SCC File No. 41223); *Gaskin v Canada*, 2024 CanLII 28268.

[29] The Tribunal's patience was running very low after the attempted filings on March 13 and 19, 2025. With the attempted filings on March 25, 26 and 27, 2025, the Tribunal must now take action.

[30] First, the Tribunal will limit the kind of documents that Mr Gaskin may attempt to file with the Tribunal only to originating documents as defined in Rule 1 of the *Competition Tribunal Rules*, and proof of service of the originating document.

[31] Second, all documents sent by Mr Gaskin to the Tribunal for filing must only pertain to matters under the *Competition Act* that the Tribunal may hear and determine – that is, matters within its jurisdiction.

[32] For now, any other documents sent to the Registry will not be accepted for filing.

[33] These two requirements will apply until the Tribunal finds that Mr Gaskin has provided originating documents and proof of personal service, that are acceptable for filing, to commence a proceeding under the *Competition Act* and in accordance with the *Competition Tribunal Rules*.

[34] Until that time, the Tribunal will not review or respond to any attempted filings from Mr Gaskin, other than the ones permitted.

THEREFORE THE TRIBUNAL ORDERS AND DIRECTS as follows:

[35] The Tribunal confirms that:

- (a) Mr Gaskin has not yet commenced an application for leave under section 103.1 of the *Competition Act*.
- (b) The affidavit of service dated March 17, 2025, does not affect the status in the Registry of the documents listed in paragraph 8 above, that were not accepted for filing in the Tribunal's Directions, Order and Reasons dated April 15, 2024.

[36] None of the documents sent by Mr Gaskin to the Registry in March 2025 shall be accepted for filing. The Registry is directed to gather those documents into an electronic folder, organized by date of attempted filing, for future reference as needed.

[37] The Tribunal will not convoke a case management meeting or other hearing, *ex parte* or otherwise, at this time.

[38] Mr Gaskin is not permitted to file “materials that exceed 20,000 pages” as requested in paragraph 53 of his letter dated March 11, 2025.

[39] The Tribunal will not provide any type of legal advice, or make an order to provide Mr Gaskin with legal counsel.

[40] Effective immediately and until further notice, Mr Gaskin may only attempt to file documents with the Registry that meet the following two requirements:

- (a) The document must constitute an “originating document” under section 1 of the *Competition Tribunal Rules*, and
- (b) The document must solely concern matters within the Tribunal’s jurisdiction under the *Competition Act*.

[41] Mr Gaskin may also attempt to file the proof of service of any originating document that complies with paragraph 40.

[42] If Mr Gaskin attempts to file any material other than the documents permitted in paragraphs 40 and 41, the Registry shall not accept it for filing but may bring the material or the attempt to file to the attention of the Chairperson or another judicial member of the Tribunal.

DATED at Ottawa, this 27th day of March 2025.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Andrew D. Little