

Federal Court



Cour fédérale

Date: 20201130

Docket: T-519-19

Citation: 2020 FC 1105

Vancouver, British Columbia, November 30, 2020

PRESENT: The Honourable Madam Justice McVeigh

PROPOSED CLASS ACTION

BETWEEN:

BRIAN ROY

Plaintiff

and

**THE CALGARY AIRPORT AUTHORITY
EDMONTON REGIONAL AIRPORTS AUTHORITY
FORT MCMURRAY AIRPORT AUTHORITY
GRANDE PRAIRIE AIRPORT COMMISSION
COMOX VALLEY AIRPORT COMMISSION
NORTH PEACE AIRPORT SERVICES LTD.
KAMLOOPS AIRPORT AUTHORITY SOCIETY
KAMLOOPS AIRPORT LTD.
PRINCE GEORGE AIRPORT AUTHORITY INC.
VANCOUVER AIRPORT AUTHORITY
VICTORIA AIRPORT AUTHORITY
WINNIPEG AIRPORTS AUTHORITY INC.
GREATER MONCTON INTERNATIONAL AIRPORT AUTHORITY INC.
GANDER INTERNATIONAL AIRPORT AUTHORITY INC.
ST. JOHN'S INTERNATIONAL AIRPORT AUTHORITY
DEER LAKE REGIONAL AIRPORT AUTHORITY INC.
HALIFAX INTERNATIONAL AIRPORT AUTHORITY
HAMILTON INTERNATIONAL AIRPORT LIMITED
GREATER LONDON INTERNATIONAL AIRPORTS AUTHORITY
OTTAWA MACDONALD-CARTIER INTERNATIONAL AIRPORT AUTHORITY**

**SAULT STE. MARIE AIRPORT DEVELOPMENT CORPORATION
GREATER TORONTO AIRPORTS AUTHORITY
AÉROPORTS DE MONTRÉAL
AÉROPORT INTERNATIONAL DE MONT TREMBLANT INC
AÉROPORT DE QUÉBEC INC.
REGINA AIRPORT AUTHORITY
SASKATOON AIRPORT AUTHORITY
NANAIMO AIRPORT COMMISSION
THOMPSON REGIONAL AIRPORT AUTHORITY
FREDERICTON INTERNATIONAL AIRPORT AUTHORITY
SAINT JOHN AIRPORT INC.
NORTHERN NEW BRUNSWICK AIRPORT AUTHORITY
J.A. DOUGLAS MCCURDY SYDNEY AIRPORT
SYDNEY AIRPORT AUTHORITY
YOUR QUICK GATEWAY (WINDSOR) INC.
CHARLOTTETOWN AIRPORT AUTHORITY
INC.**

Defendants

CONSENT ORDER

UPON motion by the Plaintiff to amend the Statement of claim dated March 25, 2019. in the form attached as Schedule “A” to the Plaintiff’s Notice of Motion dated August 5, 2020;

AND UPON motion by all of the Defendants, except Kamloops Airport Authority Society, Grande Prairie Airport Commission, and Thompson Regional Airport Authority (hereafter the “Moving Defendants”) for an order pursuant to Rule 221 of the *Federal Courts Rules* to strike out the Plaintiff’s Statement of Claim for not pleading a reasonable cause of action under the *Competition Act*, and also lack of subject-matter jurisdiction;

AND UPON considering all of the Defendants’ and the Plaintiff’s consent to the terms of this Order;

THIS COURT ORDERS that:

1. The Statement of Claim is hereby amended in the form attached as Schedule “A” to the Plaintiff’s Notice of Motion dated August 5, 2020 (the “Amended Statement of Claim”);
2. The Moving Defendants’ motion is granted;
3. The Plaintiff’s Amended Statement of Claim is struck against all Defendants pursuant to Rule 221(1)(a) as presently disclosing no reasonable cause of action under the *Competition Act* and for lack of subject-matter jurisdiction for the causes of action set out in the Amended Statement of Claim;
4. For greater certainty, this Order:
 - a. is not an adjudication on the merits of the Plaintiff’s claims; and
 - b. is without prejudice to the Plaintiff or any putative class member from continuing, refiling, filing, and/or recommencing any of the claims in the Statement of Claim or Amended Statement of Claim before a provincial superior court.
5. Pursuant to Rule 334.39, all parties to this action shall bear their own costs.

“Glennys L. McVeigh”

Judge