

Court File Number:

**ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)**

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

- and -

TORSTAR

- and -

METROLAND

Applicants

APPLICATION RECORD

McMillan LLP

45 O'Connor Street

Suite 2000

Ottawa, ON K1P 1A4

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Lawyer for the Applicants

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NOTICE OF APPLICATION

TAKE NOTICE that an application will be brought on behalf of the Applicants, Torstar and Metroland, in writing before a judge in chambers, on Friday, the 16th day of March, 2018, or so soon thereafter, at the Ottawa Courthouse, 161 Elgin, for an order directing the release of copies of all documents filed with the Court in relation to search warrants issued on March 7th and 14th, 2018 authorizing searches of the business premises of Postmedia, Torstar and Metroland.

THE GROUNDS FOR THIS APPLICATION ARE:

1. That warrants to search the business premises of Torstar, Metroland and Postmedia, were issued at Ottawa on March 7th, 2018, by Justice J. Parfett of the Ontario Superior Court of Justice;
 - a. 1 Yonge Street, Toronto, Ontario, M5E 1E5;
 - b. 3715 Laird Road, Unit 6, Mississauga, Ontario, L5L 0A3;
 - c. 365 Bloor Street East, 12th Floor, Toronto, Ontario, M4W 3L4
2. That warrants to search the business premises of Torstar, and Metroland, were issued at Ottawa on March 14th, 2018, by Justice J. Parfett of the Ontario Superior Court of Justice;
 - a. 3145 Wolfedale Road, Mississauga, Ontario, L5C 1W1; and

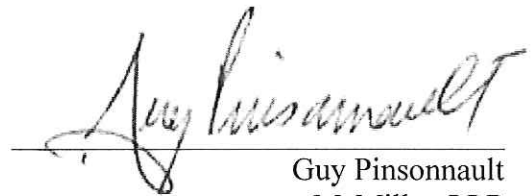
- b. 44 Frid Street, Hamilton, Ontario, L8N 3G3.
3. The documents filed in relation to the warrants are in the custody of the clerk of the court at the Courthouse, at Ottawa;
 4. All warrants have been executed, and seizures were made by the Competition Bureau under the authority of all warrants;
 5. That the public is entitled to access the documents filed in relation to these searches,;
 6. The Respondent on behalf of the Commissioner of Competition does not object to the release of documents filed in relation to the searches.

IN SUPPORT OF THIS APPLICATION, THE APPLICANTS RELY UPON the affidavit of Kaeleigh Kuzmar,.

THE RELIEF SOUGHT IS an order directing the release of all documents filed with the Court in relation to the search warrants issued March 7th and 14th, 2018 authorizing searches of the business premises of Torstar, Metroland and Postmedia.

THE APPLICANTS MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION by service in accordance with rule 5 at McMillan LLP, 45 O'Connor Street, Suite 2000, Ottawa, ON K1P 1A4, Tel: 613-691-6125, Fax: 613-231-3191.

DATED this 19th day of March, 2018.



Guy Pinsonnault
McMillan LLP
45 O'Connor Street
Suite 2000
Ottawa, ON K1P 1A4

Tel: 613-691-6125
Fax: 613-231-3191
Counsel For The Applicants

TO: The Clerk of the Court
Superior Court of Justice
Ottawa, Ontario

AND TO: Public Prosecution Service of Canada
160 Elgin, Ottawa, Ontario K1A 0H8
Suite 1481

**ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)**

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

AND IN THE MATTER OF an inquiry under subparagraph 10(1)(b)(iii) of the *Competition Act*, concerning alleged activities between Postmedia Network Inc., a wholly owned subsidiary of Postmedia Network Canada Corp. (collectively, "**Postmedia**"), and Metroland Media Group Ltd. ("**Metroland**") and Free Daily News Groups Inc., affiliates of Torstar Corporation (collectively, "**Torstar**"), and other persons known and unknown, contrary to paragraphs 45(1)(b) and (c); and under subparagraph 10(1)(b)(ii) of the Act relating to a transaction between Postmedia and Torstar, pursuant to section 92 of the *Competition Act*;

AND IN THE MATTER OF an *ex parte* application by an authorized representative of the Commissioner of Competition for the issuance of warrants to enter, search and copy or seize for examination or copying certain records or other things pursuant to sections 15 and 16 of the *Competition Act*.

AFFIDAVIT OF KAELEIGH KUZMA

I, Kaeleigh Kuzma, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am a Partner at Osler, Hoskin & Harcourt LLP, Counsel to Torstar in the above-described matter. As such, I have personal knowledge of the matters to which I herein describe.
2. In respect of the above-described matter, the WARRANT TO ENTER, SEARCH AND COPY OR SEIZE FOR EXAMINATION OR COPYING CERTAIN RECORDS OR OTHER THINGS PURSUANT TO SECTIONS 15 AND 16 OF THE *COMPETITION ACT* issued by the Ontario Superior Court of Justice (East Region) in respect of the premises located at the address 1 Yonge Street, Toronto, Ontario M5E 1E5, was executed on March 12, 2018. Documents and electronic records were seized from the premises by representatives of the Commissioner of Competition, and the search and seizure was completed on March 16, 2018.
3. In respect of the above-described matter, the WARRANT TO ENTER, SEARCH AND COPY OR SEIZE FOR EXAMINATION OR COPYING CERTAIN RECORDS OR OTHER THINGS PURSUANT TO SECTIONS 15 AND 16 OF THE *COMPETITION ACT* issued by the Ontario Superior Court of Justice (East

Region) in respect of the premises located at the address 3715 Laird Road, Unit 6, Mississauga, Ontario L5L 0A3, was executed on March 12, 2018. Documents and electronic records were seized from the premises by representatives of the Commissioner of Competition, and the search and seizure was completed on March 14, 2018.

4. In respect of the above-described matter, the WARRANT TO ENTER, SEARCH AND COPY OR SEIZE FOR EXAMINATION OR COPYING CERTAIN RECORDS OR OTHER THINGS PURSUANT TO SECTIONS 15 AND 16 OF THE *COMPETITION ACT* issued by the Ontario Superior Court of Justice (East Region) in respect of the premises located at the address 3145 Wolfedale Road, Mississauga, Ontario L5C 1W1, was executed on March 14, 2018. Documents and electronic records were seized from the premises by representatives of the Commissioner of Competition, and the search and seizure was completed on March 15, 2018.

5. In respect of the above-described matter, the WARRANT TO ENTER, SEARCH AND COPY OR SEIZE FOR EXAMINATION OR COPYING CERTAIN RECORDS OR OTHER THINGS PURSUANT TO SECTIONS 15 AND 16 OF THE *COMPETITION ACT* issued by the Ontario Superior Court of Justice (East Region) in respect of the premises located at the address 44 Frid Street, Hamilton, Ontario L8N 3G3, was executed on March 15, 2018. Documents and electronic records were seized from the premises by representatives of the Commissioner of Competition, and the search and seizure was completed on March 16, 2018.

SWORN BEFORE ME at the City of Toronto,
in the Province of Ontario, on March 16, 2018.



Commissioner for Taking Affidavits



Kaleigh Kuzma

**SUPERIOR COURT OF JUSTICE
(East Region)**

B E T W E E N:

HER MAJESTY THE QUEEN

Respondent

- and -

TORSTAR

- and -

METROLAND

Applicants

ORDER GRANTING THE RELEASE OF SEARCH WARRANT DOCUMENTS

UPON THE APPLICATION in writing made by the Applicants, Torstar and Metroland, for an order directing the release of copies of all documents filed with the Court in relation to search warrants issued March 7th and 14th, 2018, by Justice J. Parfett, authorizing searches of the business premises of Torstar, Metroland and Postmedia;

- a. 1 Yonge Street, Toronto, Ontario, M5E 1E5;
- b. 3715 Laird Road, Unit 6, Mississauga, Ontario, L5L 0A3;
- c. 365 Bloor Street East, 12th Floor, Toronto, Ontario, M4W 3L4;
- d. 3145 Wolfedale Road, Mississauga, Ontario, L5C 1W1; and
- e. 44 Frid Street, Hamilton, Ontario, L8N 3G3.

AND UPON READING the Notice of Application and the Affidavit of Kaeleigh Kuzma, sworn the 16th day of March, 2018;

AND UPON NOTING that the Respondent does not object to the Application;

AND UPON BEING SATISFIED that objects have been seized as a result of the searches, and that there is no sealing order;

THIS COURT ORDERS THAT the clerk of the court release copies of all documents filed with the Court in relation to the search warrants issued March 7th and 14th, 2018, authorizing searches of the business premises of Torstar, Metroland and Postmedia, and that the documents be available to the public.

DATED this _____ day of March, 2018.

Justice of the Ontario Superior Court
(East Region)

