



File / Dossier : Access Copyright, Elementary and Secondary Schools Tariff, 2010-2015  
[Redetermination] /  
Access Copyright, Tarif pour les écoles élémentaires et secondaires, 2010-2015  
[Réexamen]

March 13, 2017

**[CB-CDA 2017-014]**

### **NOTICE OF THE BOARD**

Access may reply to the request below by tomorrow, **Tuesday, March 14, 2017, 5 p.m.**

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**From:** Aidan O'Neill

**Sent:** March-13-17 5:45 PM

**To:** G. McDougall

**Cc:** W. Noel; A. Thomas; J. Zagar; C. Gillis; N. Campanella

**Subject:** Access Copyright (Elementary and Secondary Schools) 2010-2015 - Reconsideration [CB-CDA 2017-013]

Dear Gilles,

I am writing to the Board on behalf of the Objectors in relation to the attached Notice dated March 6, 2017 in the tariff proceeding under reference.

As the Board may be aware, the statutory deadline set out in section 58(1)(a) of the *Supreme Court Act* for the filing of an application for leave to appeal with respect to a decision of the Federal Court of Appeal is "sixty days after the date of the judgment appealed from". This means that any application for leave to appeal any legal issue dealt with by the Federal Court of Appeal in its January 27, 2017 decision must be filed with the Registrar of the Supreme Court by either Access Copyright or the Objectors by no later than Tuesday, March 28.

Because any decision by either Access Copyright or the Objectors to file such a leave application with the Supreme Court pursuant to section 58(1)(a) would undoubtedly have an impact on the submissions that the Objectors would file with the Board further to its Notice, the Objectors would request that the filing deadline of March 20 set out in the Notice be extended to Monday, April 3, 2017.

By this date, both Access Copyright and the Objectors will be in a position to comment on the Board's proposed procedures to deal with the impact of the coding errors on Access Copyright's repertoire with a full understanding as to what lies ahead of them in terms of a possible appeal to the Supreme Court.

This knowledge would likely enable them to provide their comments with a greater degree of clarity and commitment than would be the case if they were required to make their submissions before the March

28 statutory deadline had been reached. Moreover, in the event any such leave application is brought, the parties may be of the view that any reconsideration by the Board of the evidentiary issue of the coding errors be postponed *sine die* until the subject of such a leave application is ultimately addressed by the Supreme Court.

Please let me know if the Board has any questions relating to this request. Thank you.

Aidan