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Citation: *Internet Sciences Inc v CNSX Markets Inc*, 2026 ONCMT 18  
Date: 2026-04-09  
File No. 2025-29

**BETWEEN:**

**INTERNET SCIENCES INC.**  
**(Applicant)**

**- and -**

**CNSX MARKETS INC. and ONTARIO SECURITIES COMMISSION**  
**(Respondents)**

**REASONS FOR DECISION**

**Adjudicator:** Andrea Burke

**Hearing:** By videoconference, January 9, 2026

**Appearances:** Andrew McCoomb                      For CNSX Markets Inc.  
Sandy Lockhart  
Aliyyah Jafri

Kirsten Thoreson                      For the Ontario Securities Commission

No one appearing for Internet Sciences Inc.

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## REASONS FOR DECISION

### 1. OVERVIEW

- [1] At a case management hearing on January 9, 2026, that the Applicant, Internet Sciences Inc., refused to attend, I issued an order dismissing its Application<sup>1</sup> because of its refusal to participate in the proceeding unless its improper demands and pre-conditions for its participation were met. Before doing so, I also dismissed its motion objecting to the Ontario Securities Commission's status as a party to the Application. I also considered Internet Sciences' repeated written allegations and complaints that I am biased and determined that they were without factual basis and did not require my disqualification or recusal.
- [2] These are my reasons for my decisions.

### 2. BACKGROUND AND EVENTS LEADING UP TO THE JANUARY 9, 2026 CASE MANAGEMENT HEARING

- [3] This proceeding is an Application to review the decision of a Panel of the Board of Directors of CNSX Markets Inc., upholding a decision of the Canadian Securities Exchange (**CSE**) Listings Manager denying Internet Sciences' application for listing. In this proceeding, the terms CNSX and CSE have sometimes been used interchangeably.
- [4] Following an initial case management hearing, I issued an order dated November 27, 2025,<sup>2</sup> with reasons to follow, that set a schedule for various motions brought by Internet Sciences, as well as the hearing of the merits of the Application. I issued the related Reasons for Decision on December 1, 2025<sup>3</sup>.
- [5] Subsequently, Internet Sciences brought a motion seeking to vary the December 1 Reasons. It also filed a series of motions seeking my removal from any further

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<sup>1</sup> *Internet Sciences Inc v CNSX Markets Inc*, (2026) 49 OSCB 427; [https://www.capitalmarketstribunal.ca/sites/default/files/2026-01/rad\\_20260109\\_internet-sciences-inc.pdf](https://www.capitalmarketstribunal.ca/sites/default/files/2026-01/rad_20260109_internet-sciences-inc.pdf)

<sup>2</sup> *Internet Sciences Inc v CNSX Markets Inc*, (2025) 48 OSCB 9958; [https://www.capitalmarketstribunal.ca/sites/default/files/2025-11/rad\\_20251127\\_internet-sciences-inc.pdf](https://www.capitalmarketstribunal.ca/sites/default/files/2025-11/rad_20251127_internet-sciences-inc.pdf)

<sup>3</sup> *Internet Sciences Inc v CNSX Markets Inc*, 2025 ONCMT 17

involvement in the proceeding on grounds of bias. On December 12, 2025, I issued an order<sup>4</sup> with reasons to follow, dismissing these motions.

- [6] The Registrar of the Tribunal circulated my December 12 Order to the parties by email. The same email advised the parties of the need to schedule a case management hearing as soon as possible and asked the parties to provide their availability by no later than December 15. The case management hearing was required to address a number of matters, including setting a schedule for an additional motion filed by Internet Sciences and re-scheduling filing deadlines for three other Internet Sciences motions because Internet Sciences had missed a December 10 deadline for delivering its written submissions.
- [7] Internet Sciences never advised as to its availability for a case management hearing. Instead, Internet Sciences repeatedly communicated in emails sent to the Registrar and the parties that:
- a. I should be disqualified for bias (based on an allegation not previously raised in the bias motions that I dismissed on December 12, and based on an allegation that it had previously raised in those motions);
  - b. my December 12 Order was unlawful; and
  - c. it would not participate in any attendances or hearings in this proceeding in which I was involved, including any case management hearing, unless its demands and pre-conditions were met.
- [8] On December 16, 2025, the Registrar wrote to the parties and advised that because Internet Sciences had not provided its availability as requested, the case management hearing would be held on January 9, 2026, a date previously reserved for the hearing of three of Internet Sciences' motions.
- [9] The emails sent between the parties and the Registrar between December 12, 2025, and the January 9 case management hearing were marked as exhibits during the January 9 case management hearing.

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<sup>4</sup> *Internet Sciences Inc v CNSX Markets Inc*, (2025) 48 OSCB 10335; [https://www.capitalmarketstribunal.ca/sites/default/files/2025-12/rad\\_20251212\\_internet-sciences-inc.pdf](https://www.capitalmarketstribunal.ca/sites/default/files/2025-12/rad_20251212_internet-sciences-inc.pdf). The related Reasons for Decision are at *Internet Sciences Inc v CNSX Markets Inc*, 2026 ONCMT 9

### **3. ISSUES**

#### **3.1 Non-attendance of the Applicant**

- [10] The first issue I dealt with at the January 9 case management hearing was whether I could proceed in the absence of Internet Sciences.
- [11] I determined that I could proceed.
- [12] Subsection 7(1) of the *Statutory Powers Procedure Act (SPPA)*<sup>5</sup> provides that where notice of an oral hearing has been given to a party and the party does not attend, a tribunal may proceed in the absence of the party.
- [13] At the first case management hearing on November 25, 2025, Internet Sciences confirmed that it was available for a hearing on January 9, 2026. The January 9 hearing date was set in my November 27 Order. The Registrar notified Internet Sciences by email on December 16, 2025, that the January 9 hearing date would proceed as a second case management hearing. At least seven emails from Internet Sciences to the Registrar between December 16, 2025, and January 6, 2026, confirm that Internet Sciences was aware of the January 9 case management hearing and chose not to attend.

#### **3.2 Internet Sciences' Motion about the Commission as a party**

- [14] Next, I addressed Internet Sciences' motion challenging the legitimacy of the Commission's participation in these proceedings.
- [15] On January 5, 2026, Internet Sciences filed a motion (identified by it as "Motion 7") to have the Commission removed as a party to this proceeding (**Removal Motion**). Internet Sciences alleged that the Commission:
- a. was improperly added to the proceeding;
  - b. has no automatic right to participate as a party in an application for a review of a decision of an exchange that is brought under sections 8 and 21.7 of the *Securities Act*<sup>6</sup>; and
  - c. was never granted intervenor status.

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<sup>5</sup> RSO 1990, c S.22

<sup>6</sup> RSO 1990, c S.5

- [16] The motion also sought an order vacating my December 12 Order on grounds that it was based on receiving submissions from the Commission, an alleged improper party.
- [17] Internet Sciences advised in writing on January 5, 2026, that the January 9 case management hearing should be adjourned and no further steps in this proceeding should occur until its Removal Motion was resolved.
- [18] The Commission sent an email to the Registrar and parties on January 7, 2026, advising that no adjournment was warranted and that it was prepared to address the Removal Motion as a preliminary matter at the January 9 case management hearing. The Commission's email explained why the issue of its participation as a respondent in the proceeding is straightforward and that it is a proper party.
- [19] Internet Sciences sent an email to the Registrar and parties on January 7, 2026, in response to the Commission's email. In this email, Internet Sciences disputed the Commission's explanation. Internet Sciences characterized this response as "not a formal submission" and stated that it reserved the right to file full submissions should the Tribunal permit or request them.
- [20] I agreed with the Commission that Internet Sciences' Removal Motion should be dealt with as a preliminary matter at the January 9 case management hearing and that an adjournment of the January 9 case management hearing would not further the objectives of ensuring that this proceeding is conducted justly, expeditiously and cost-effectively.<sup>7</sup>
- [21] At the hearing of the motion on January 9, I considered the materials and correspondence that Internet Sciences sent to the Registrar. The Commission's oral submissions repeated and relied on the points set out in its January 7, 2026, email.
- [22] I agreed with the Commission and determined that the issue of its participation as a respondent in the proceeding is straightforward and the Removal Motion was entirely without merit.

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<sup>7</sup> *Capital Markets Tribunal Rules of Procedure (Rules of Procedure)*, r 1 and 34(1)

[23] Rule 13(2) of the *Rules of Procedure* provides that in Tribunal proceedings where the Commission is not the applicant, the Commission shall be named as a respondent. It is well established that the Commission is a party in review proceedings.<sup>8</sup>

[24] Furthermore, the Commission's role as a party to this proceeding has been clear and undisputed since the first case management hearing held on November 25, 2025. At that hearing, I explained to Internet Sciences that the *Rules of Procedure* require that the Commission be named as a respondent and the Registrar had regularized the title of proceeding in the Notice of Hearing to include the Commission. Internet Sciences did not object. I also advised that, going forward, all filed documents should include the regularized title of proceeding.<sup>9</sup> All orders, schedules and communications since the first case management hearing reflect that the Commission is a party to these proceedings.

[25] For these reasons, I dismissed the Removal Motion.

### **3.3 Internet Sciences' New Allegations of Bias**

[26] Beginning on December 13, 2025, the day after I dismissed Internet Sciences' multiple motions seeking to have me disqualified for bias, and continuing through to the day prior to the January 9 case management hearing, Internet Sciences sent numerous emails to the Registrar and the other parties, including some addressed to the Chief Adjudicator of the Tribunal. In these emails Internet Sciences made new and renewed allegations that I am biased and corrupt and should recuse myself or be disqualified and removed from any further involvement with this matter.

[27] In these emails, Internet Sciences repeatedly asserted that I am biased and corrupt because:

- a. my former law firm, Davies Ward Philips & Vineberg LLP (**Davies**), has allegedly represented the respondent, CSE or CNSX, in over 100 matters, including other Tribunal proceedings, over a period of 20 years; and

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<sup>8</sup> *Ziaian (Re)*, 2021 ONSEC 9 at paras 16-18

<sup>9</sup> Hearing Transcript, November 25, 2025, at p 15 line 16 to p 16 line 10

- b. it was unlawful that I heard and decided Internet Sciences' motion seeking to vary my December 1 Reasons and its motions seeking my removal for bias, because these motions challenged my own conduct.

[28] On December 16, 2025, the Registrar, on my instructions, sent an email to the parties which stated:

The claim in Internet Sciences' December 13, 2025, email that Adjudicator Burke should be disqualified from hearing this proceeding because of an alleged solicitor-client relationship between CNSX and the Davies Ward Phillips & Vineberg LLP firm is unsupported by any evidence.

[29] In response, Internet Sciences emailed the Registrar on December 16, 2025, and disputed that the alleged solicitor-client relationship between CNSX and Davies is unsupported by any evidence. It stated that three exhibits established that the solicitor-client relationship existed:

- a. "EXHIBIT B: DAVIES WARD PHILLIPS & VINEBERG CASE DATABASE" which it described as Davies' "publicly available case database" that lists over 100 legal matters in which the firm has represented CNSX and/or CSE over a period spanning 2001 to present;
- b. "EXHIBIT C: CSE'S OWN CORPORATE RECORDS" which it described as CSE's own website and corporate disclosure documents that list Davies as counsel of record in multiple proceedings; and
- c. "EXHIBIT D: ONTARIO SECURITIES COMMISSION RECORDS" which it described as "OSC proceeding records" that show that Davies represented CNSX/CSE in "multiple tribunal matters over 20+ years".

[30] Internet Sciences did not attach these documents to its email and never provided them to the Registrar.

[31] On December 13, 14 and 16, 2025, Internet Sciences sent four emails addressed directly to the Chief Adjudicator of the Tribunal via the Registrar. In these emails, Internet Sciences elaborated on its complaints that I am biased and corrupt and demanded that the Chief Adjudicator take various actions, including that he:

- a. remove me from this proceeding;
- b. assign a new panel;
- c. declare all of my decisions in this matter “void”;
- d. stay publication of my orders;
- e. remove my orders and reasons from the Tribunal website;
- f. publish a formal retraction of my orders and reasons;
- g. conduct an institutional review of the panel assignment process at the Tribunal; and
- h. issue a public written response to its complaints.

[32] On December 16, 2025, the Chief Adjudicator sent an email to Internet Sciences. He advised that, in accordance with rule 7 of the *Rules of Procedure*, Internet Sciences should not communicate with him directly about its various complaints and allegations, but instead should make any submissions that it wishes in a hearing, in the proceeding.

[33] Internet Sciences ignored this caution and wrote to the Registrar and the Chief Adjudicator again on December 17, 2025, reiterating its complaints and demands. The Registrar responded as follows on December 17, 2025:

On instructions from the Chief Adjudicator, the Registrar will not reply to further communications from [Internet Sciences]. [Internet Sciences] and other parties may make submissions at the case management hearing on January 9, 2026.

[34] At the January 9 case management hearing (at which Internet Sciences chose not to appear), I noted that Internet Sciences had not filed a formal motion seeking my recusal or disqualification based on its new bias allegations. Despite that, I decided that Internet Sciences’ complaints and demands that I should be disqualified for bias should be treated as a motion and dealt with at the January 9 case management hearing. I did so because Internet Sciences’ new bias allegations raised a threshold issue going to the legitimacy of me continuing to case manage the proceeding. Through the Chief Adjudicator’s email dated

December 16, 2025, and the Registrar's email dated December 17, 2025, Internet Sciences was on notice that it should make submissions regarding its complaints at the January 9 case management hearing.

[35] At the January 9 case management hearing, I set out the facts relating to my relationship with Davies and my personal knowledge regarding the alleged solicitor-client relationship with CNSX and CSE. I advised that<sup>10</sup>:

- a. I began work at Davies as an articling student in 1994 and progressed to an associate and a partner there. I resigned from the Davies partnership on August 31, 2023;
- b. I no longer practice law;
- c. I have never acted as counsel for CNSX or CSE; and
- d. I have no personal knowledge of the Davies firm having any solicitor-client relationship with CNSX or CSE at any time that I was a lawyer with the firm or at any time since I withdrew from the partnership.

[36] CNSX submitted that allegations of bias are serious and require a proper evidentiary foundation. Because Internet Sciences provided no evidence to establish the alleged solicitor-client relationship between Davies and CNSX or CSE, there is nothing to properly respond to. CNSX advised that it is its understanding that it has never had a solicitor-client relationship with Davies and that the factual foundation for the allegations appears to be fictitious. The Commission agreed with CNSX's position.

[37] I dismissed Internet Sciences' bias motion. I decided that the first ground alleged by Internet Sciences (namely, a conflict based on the alleged solicitor-client relationship) did not raise a reasonable apprehension of bias for the following reasons:

- a. Internet Sciences made bald assertions of an alleged solicitor-client relationship and failed to put forward any evidence in support, notwithstanding that the Registrar's December 16, 2025, email specifically noted that the allegation was unsupported by any evidence.

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<sup>10</sup> Hearing Transcript, January 9, 2026 at p 30 line 26 to p 31 line 12

- b. I never acted for CNSX or CSE and I have no personal knowledge of any solicitor-client relationship between Davies and CNSX or CSE.
- c. I resigned from the Davies partnership more than two years ago.

[38] I also decided that the second ground alleged by Internet Sciences (namely, my “unlawful” December 12 Order) did not raise a reasonable apprehension of bias. Internet Sciences made identical submissions in its motion to vary the December 1 Reasons and in its previous motions seeking my removal for bias that were decided in the December 12 Order. Internet Sciences submitted that it was unlawful and constituted evidence of bias for me to hear and decide those motions because the motions challenged my own conduct. Those submissions were fully considered and rejected by me when I made the December 12 Order.<sup>11</sup> It was inappropriate for Internet Sciences to relitigate the same argument in support of its “new” bias allegations that had previously been decided against it. The fact that Internet Sciences disagrees with the December 12 Order is not evidence of me being biased. Its recourse is to appeal or seek judicial review.

### **3.4 Dismissal of the Application**

[39] Internet Sciences’ demands and pre-conditions for participating in this proceeding going forward included that:

- a. I be removed from any further involvement in the proceeding;
- b. a new panel be constituted; and
- c. the Chief Adjudicator of the Tribunal acknowledge and correct structural defects in this proceeding.

[40] The December 16, 2025, email from the Registrar to the parties (referred to above) advising that Internet Sciences’ bias allegation was unsupported by any evidence also stated:

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<sup>11</sup> See *Internet Sciences Inc v CNSX Markets Inc*, (2025) 48 OSCB 10335; [https://www.capitalmarkettribunal.ca/sites/default/files/2025-12/rad\\_20251212\\_internet-sciences-inc.pdf](https://www.capitalmarkettribunal.ca/sites/default/files/2025-12/rad_20251212_internet-sciences-inc.pdf); *Internet Sciences Inc v CNSX Markets Inc*, 2026 ONCMT 9 at paras 46-52 and 62-67

The Panel notes that Internet Sciences refuses to participate in this proceeding until certain demands and conditions are met. These demands and conditions are improper.

Adjudicator Burke is the Case Management Adjudicator for this proceeding. She has been assigned to chair the panel of adjudicators that will hear Internet Sciences' motions, and the panel for the merits hearing.

...

**Internet Sciences should note that in the event it chooses not to participate in the case management hearing on January 9, 2026, the panel may dismiss its application, subject to hearing from the remaining parties.** (emphasis in the original)

- [41] Following the Registrar's December 16, 2025, email, the Chief Adjudicator's December 16, 2025, email (described above), and the Registrar's December 17, 2025, email (described above), Internet Sciences repeatedly confirmed in writing that it would not attend the January 9 case management hearing and would not participate in the proceedings unless its demands were met.
- [42] In an email dated January 8, 2026, to the Registrar and the parties, CNSX advised in advance of the January 9 case management hearing that its general position was that, should Internet Sciences decide that it was not going to participate in any hearing over which I presided, it was effectively abandoning its Application and its Application should be dismissed.
- [43] In response, Internet Sciences sent an email to the Registrar and the parties dated January 8, 2026, stating that it had not abandoned the Application, and reiterating its demands and pre-conditions for participating in the proceeding.
- [44] At the January 9 case management hearing, I advised that I was considering whether the Application should be dismissed as effectively abandoned because of Internet Sciences' refusal to participate. I referred the parties to jurisprudence I was aware of, relating to the issue of dismissing a proceeding for non-

participation or conduct that thwarts the proceeding from moving forward.<sup>12</sup> I instructed the Registrar to email these cases to the parties for their consideration and gave the parties time to consider them.

- [45] I asked the parties who attended the January 9 case management hearing (CNSX and the Commission) to make submissions on whether I was able to dismiss the Application for non-participation by Internet Sciences, whether there was sufficient notice of the possibility of dismissal, and whether I should dismiss the Application in the circumstances.
- [46] The Commission submitted that Internet Sciences had made an informed decision not to participate and that this decision might constitute abandonment of the Application (even over and above its assertions to the contrary) because conditional participation before a different adjudicator is still a refusal to participate before the assigned panel, and refusing to participate until demands are met is a refusal to participate. The Commission agreed that it would be reasonable to treat the Application as having been abandoned and I could consider issuing an order dismissing the Application.
- [47] The Commission submitted I could consider providing an extra level of procedural fairness by following the process set out in rule 35 of the *Rules of Procedure* for summary dismissal of applications. In other words, the Commission submitted that Internet Sciences could be given one final chance to decide if it would participate. The Commission proposed that I notify the parties of my intention to dismiss the Application and the grounds on which I propose to do so, provide written reasons for this intention, wait 30 days for the parties' written submissions in response to my written reasons, and then decide whether to dismiss the Application.
- [48] The Commission also expressed concerns that my reasons for making the December 12 Order had not yet been issued and that those reasons might assist

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<sup>12</sup> Ontario Divisional Court cases: *Eisenberg v Seneca College of Applied Arts and Technology*, 2012 ONSC 4802 (**Eisenberg**); *Sui v Liang*, 2022 ONSC 5623 (**Sui**); Tribunal case: *Vanlandschoot (Re)*, 2024 ONCMT 4; Other administrative tribunal cases: *Gale v FCA Canada Inc o/a Stellantis o/a Chrysler Canada*, 2025 HRT0 2211 (**Gale**); *Kerr v Saleem*, 2025 HRT0 2736 (**Kerr**); *Bilon v Ontario Teachers Insurance Plan*, 2025 HRT0 2836 (**Bilon**); and *Sadowski v Health and Rehabilitation Sciences Graduate Student Society*, 2025 HRT0 2956 (**Sadowski**)

Internet Sciences, notwithstanding that Internet Sciences knew that its motions (including bias motions) had been dismissed.

- [49] CNSX submitted that the jurisprudence noted above supported dismissing the Application outright on grounds that it had been abandoned by Internet Sciences. However, CNSX submitted, in the alternative and from the perspective of maintaining optimal procedural fairness, I could first issue reasons for the December 12 Order, my dismissal of the Removal Motion and my dismissal of Internet Sciences' new bias motion, and give Internet Sciences a deadline within which to agree to participate in these proceedings within a reasonable window of time, following issuance of such reasons.
- [50] Separate from the Commission's and CNSX's submissions, I inquired of the Commission and CNSX whether there might be a workable "middle ground" scenario where my orders dismissing the Removal Motion and Internet Sciences' further bias complaints were issued and Internet Sciences was directed to attend a further case management hearing on January 12, 2026 (a date previously reserved with the parties) to confirm that it would participate in the Application, failing which the Application would be dismissed. CNSX agreed that this would be workable. The Commission did not have instructions.
- [51] I decided that Internet Sciences' Application should be dismissed as having been abandoned.
- [52] I concluded that Internet Sciences had been provided with sufficient notice that:
- a. I had been appointed as the case management adjudicator for its Application;
  - b. Internet Sciences' refusal to participate in proceedings adjudicated by me was improper; and
  - c. the Application might be dismissed at the January 9 case management hearing as a result of Internet Sciences' refusal to participate.
- [53] Further, the Chief Adjudicator's December 16, 2025, email and the Registrar's December 16, 2025, and December 17, 2025, emails informed Internet Sciences that Internet Sciences' demands and pre-conditions were improper and that its

issues needed to be raised in a hearing in the proceeding before me, including at the January 9 case management hearing.

[54] The case law from the Ontario Divisional Court establishes that if an applicant is not prepared to co-operate with an administrative tribunal in its process, a tribunal is entirely within its rights to dismiss the applicant's complaint.<sup>13</sup>

[55] This was the situation in *Eisenberg v Seneca College of Applied Arts and Technology*. In that case, an applicant refused to cooperate with scheduling a summary hearing, insisting on document disclosure first, even after having been warned that failure to provide dates could result in dismissal. The tribunal dismissed the complaint as abandoned, and the Divisional Court upheld that decision, confirming that if an applicant will not cooperate with a tribunal's process, dismissal is reasonable. The Divisional Court considered whether the decision of the tribunal was reasonable in the circumstances and noted that "the procedural issues involved were ones that fell within the ambit of the tribunal's right to regulate its own process."<sup>14</sup> Further, the Divisional Court explained:

Given the reaction of the applicant to the Tribunal's decision to hold such a hearing and his refusal to co-operate in its scheduling, we are of the view that the Tribunal acted reasonably in dismissing his complaint. Indeed, we do not see that the Tribunal had any realistic alternative but to do so. ... The applicant's unilateral refusal to provide dates for the summary hearing effectively thwarted the Tribunal's process. If the applicant was not prepared to co-operate with the Tribunal in its process, the Tribunal was entirely within its rights to dismiss the applicant's complaint.<sup>15</sup>

[56] This Divisional Court case law is cited and followed in numerous decisions of the Human Rights Tribunal of Ontario.<sup>16</sup>

[57] In this case, the situation is similar to that in *Eisenberg*. Internet Sciences is refusing to participate in any hearings going forward unless its inappropriate unilateral demands are met. Internet Sciences' refusal to provide its availability

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<sup>13</sup> *Eisenberg* at para 13; *Sui* at paras 33-35

<sup>14</sup> *Eisenberg* at para 10

<sup>15</sup> *Eisenberg* at para 13

<sup>16</sup> *Gale* at para 12; *Bilon* at para 15; *Sadowski* at para 13

for a second case management hearing in December 2025 adversely impacted the efficiency of this proceeding and resulted in the January 9 and 12 dates reserved for hearing Internet Sciences' motions being forfeited for such motions. Case management directions are neither suggestions, nor proposals, nor invitations for debate, discussion or objections.<sup>17</sup> Internet Sciences' outstanding motions and the merits of its Application cannot move forward without its participation, and Internet Sciences has repeatedly confirmed that it will not participate unless I am removed as an adjudicator. Internet Sciences is essentially seeking to hold this proceeding hostage, pending satisfaction of its improper demands.

- [58] Both the Commission and CNSX agreed that the circumstances are sufficient to warrant an order dismissing Internet Sciences' Application on the basis that it has been abandoned. I disagreed with the Commission's suggestion that I should consider following the process in rule 35. Rule 35 is intended to address proceedings that are "frivolous, vexatious, or an abuse of process". I have not concluded that this proceeding, in its entirety, is frivolous, vexatious, or an abuse of process. Rather it is Internet Sciences' conduct that is problematic. In my view, rule 35 does not apply in this instance.
- [59] I also did not favour CNSX's suggestion that I issue outstanding reasons first, and give Internet Sciences additional time. Doing so would prolong the current situation and prevent any progress in the proceeding. Internet Sciences' communications offered no basis to conclude that its receiving reasons for the December 12 Order and for my dismissal of the Removal Motion and new bias motion would have any impact on its stated refusal to participate.
- [60] Although I raised in the January 9 case management hearing for the parties' consideration a "middle ground" scenario that would give Internet Sciences an option to reconsider its position and decide (as a last chance) whether it wanted to participate at a further case management hearing on January 12, 2026, I had significant concerns about how such a requirement or order would be drafted or enforced, given Internet Sciences' clear and repeated objections to participating

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<sup>17</sup> *Sui* at para 33

in this proceeding in front of me as the case management adjudicator. At the end of the day, I was satisfied that Internet Sciences knowingly and improperly refused to participate in the Application, with notice that its refusal to participate might result in the dismissal of its Application. I was satisfied that, in the circumstances, dismissal was reasonable and necessary in order to control this Tribunal's process.

#### **4. CONCLUSION**

[61] For all the reasons above, I proceeded with the January 9 case management hearing in the absence of participation by Internet Sciences, and I dismissed Internet Sciences' Removal Motion, new bias motion, and Application. I also vacated all of the remaining hearing dates in this matter.

[62] For greater certainty, as a consequence of the dismissal of Internet Sciences' Application, its outstanding motions also fall away.

Dated at Toronto this 9th day of April, 2026.

*"Andrea Burke"*

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Andrea Burke