



Telecom Decision CRTC 2026-114

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Reference: Part 1 applications posted on 19 August 2025

Gatineau, 1 June 2026

Public records: 8662-D78-202504191, 8662-D113-202504209, and 8662-C426-202504216

Applications to review and vary Telecom Orders 2025-97, 2025-100, and 2025-102

Summary

The Commission encourages people with diverse perspectives to participate in its proceedings to ensure its decisions are made in the public interest. To this end, the Commission has put in place rules that help individuals and public interest groups participate and apply for funding to cover some of their participation costs.

In Telecom Orders 2025-97, 2025-100, and 2025-102 (the Orders), the Commission awarded a total of approximately \$270,000 in costs to the Deaf Wireless Canada Consultative Committee (DWCC), the Deaf-Blind Planning Committee (DBPC), and the Canadian National Society of the Deaf-Blind, Inc. (CNSDB) for their participation in the proceeding initiated by Telecom Notice of Consultation 2021-102, which set out to review video relay service (the VRS proceeding). However, the Commission did not award all the amounts claimed because a portion related to the time spent preparing the applications for costs and responding to questions from the Commission about them.

The DWCC, the DBPC, and the CNSDB (collectively, the Applicants) filed a review and vary application requesting that the Commission award the full amounts claimed in their original applications for costs.

The Commission's framework for assessing review and vary applications is set out in Telecom Information Bulletin 2011-214. This well-established framework contributes to regulatory certainty and predictability by allowing the Commission to revisit a past decision and make corrections for any errors, oversights, or changes in circumstances. Here, the Commission finds that the Applicants have shown no such errors.

Costs awards are not paid by the Commission; they are paid by telecommunications companies that participated in the underlying proceeding. The Commission is mindful of its stewardship role to ensure that the costs claimed are reasonable in the circumstances.

In the VRS proceeding, the Applicants contributed to a better understanding of the substantive issues and were awarded amounts for their participation in accordance with the costs framework. The

Commission explicitly considered the Applicants' accessibility needs, including their reliance on American Sign Language interpretation and the need for additional time compared to other parties. The Commission also applied established factors and followed precedent in determining an appropriate amount to award the Applicants for preparing their costs applications. In sum, the Commission finds that it followed its established practices in making its determinations.

Accordingly, the Commission declines to vary the Orders.

Background

1. On 14 May 2025, the Commission issued Telecom Orders 2025-97, 2025-100, and 2025-102 (the Orders) in which it directed certain telecommunications service providers to pay \$75,772.20 to the Deaf Wireless Canada Consultative Committee (DWCC), \$102,285.16 to the Deaf-Blind Planning Committee (DBPC), and \$90,711.05 to the Canadian National Society of the Deaf-Blind, Inc. (CNSDB) [collectively, the Applicants]. The Orders reimbursed the Applicants for their participation in the proceeding initiated by Telecom Notice of Consultation 2021-102, which reviewed video relay service (VRS) in Canada.
2. In the Orders, the Commission reduced or excluded amounts totalling \$33,797.75; \$18,611.80; and \$9,143.95 claimed by the DWCC, the DBPC, and the CNSDB, respectively. The Commission's determinations consisted of the two elements outlined below.
3. First, the Commission did not award costs for any time claimed beyond 24 hours by the Applicants for preparing their costs applications. The Commission noted that 24 hours is the maximum amount of time awarded to any party to prepare an application for costs in the last seven years, including to applicants that represent the Deaf, Deaf-Blind, and hard of hearing (DDBHH) community.
4. Second, the Commission did not award costs for hours and disbursements claimed by the Applicants for responding to requests for information (RFIs) related to their costs applications. The Commission determined that time spent responding to an RFI about issues in a costs application is the responsibility of the applicant. These amounts were excluded because the purpose of a costs award is to compensate for an applicant's participation in a proceeding. The Commission held that RFI responses that deal with a party's own costs application are not sufficiently connected to that participation.

Review and vary applications

5. On 12 August 2024, the Applicants filed separate applications requesting that the Commission review and vary the Orders. The Commission examined the applications together in this proceeding.
6. The Applicants submitted that there was substantial doubt as to the correctness of the Orders for several reasons:

- The Applicants alleged that the Commission made an error of law and acted without statutory authority by imposing a pre-determined 24-hour cap on recoverable preparation time. The Applicants characterized this as a violation of procedural fairness, submitting that the cap was applied retroactively and without notice. Further, they submitted that in the Orders, the Commission failed to apply the requirements to remove barriers and promote equitable access for persons with disabilities, as set out in section 6 of the *Accessible Canada Act*, as well as the requirements of the 2023 Policy Direction¹² and the Commission's [Accessibility Plan 2023-2025](#).³ They also raised concerns over the transparency of the criteria used to determine which hours were among the 24 hours chosen.
- The Applicants alleged that the Commission made an error of fact by mischaracterizing some of the denied costs as related to responding to an RFI, rather than specialized accessibility work and coordination or American Sign Language (ASL) interpreter disbursements that were necessary to consult with legal counsel.
- The Applicants alleged that the Commission failed to consider the basic principle that automatically denying costs would negatively impact public interest participation. They claimed that the Commission warned against this negative impact in paragraph 26 of its *Guidelines for the Assessment of Costs*, set out in Telecom Regulatory Policy 2010-963 (the Guidelines). The Applicants submitted that the Commission also failed to apply the duty to accommodate under the *Canadian Human Rights Act* and the *Accessible Canada Act* by failing to proactively remove barriers and ensure equal participation for persons with disabilities, which is also contrary to the equality right under subsection 15(1) of the *Canadian Charter of Rights and Freedoms*. They submitted that the *Accessible Canada Act*, the 2019 Policy Direction,⁴ and the 2023 Policy Direction all require that federal regulatory bodies actively identify, remove, and prevent barriers for persons with disabilities.

¹ The 2023 Policy Direction requires the Commission to consider how its decisions enhance and protect the rights of consumers in their relationships with telecommunications service providers, including rights related to accessibility, and proactively identify and remove barriers to telecommunications services for persons with disabilities.

² *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23, 10 February 2023.

³ The *Accessible Canada Act* sets out accessibility principles under section 6, including that all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities. It is based on a model of progressively preventing and removing barriers to accessibility.

⁴ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019.

- The Applicants alleged that the Commission introduced a new principle by implementing a 24-hour cap and a blanket RFI exclusion for costs applications, without notice or consultation.
 - Finally, the Applicants alleged that there have been material changes in circumstances since the Commission made the decisions it relied upon in the Orders. These changes, which arise from the Commission’s *Accessibility Plan 2023-2025*, its [2024 Accessibility Progress Report](#), and the 2023 Policy Direction, justify allowing these costs.
7. The Applicants requested full recovery of their claimed costs, clarification that accessibility-related disbursements and preparation time are generally eligible costs when reasonably and necessarily incurred, and confirmation that no fixed hourly caps will be applied without due notice and process.
 8. The Commission received interventions from the Canadian Telecommunications Association (CTA), Cogeco Communications Inc. (Cogeco), and the Public Interest Advocacy Centre (PIAC).

Review and vary criteria

9. The Commission’s framework for assessing review and vary applications is set out in Telecom Information Bulletin 2011-214. This is a well-established framework that contributes to regulatory certainty and predictability by allowing the Commission to revisit a past decision and make corrections for any errors, oversights, or changes in circumstances.
10. Based on the record before it, the Commission assesses whether there is substantial doubt as to the correctness of the decision. If there is a substantial doubt, the Commission can consider varying a decision.
11. The Commission will typically assess whether an applicant has established substantial doubt resulting from:
 - an error in law or in fact;
 - a fundamental change in the circumstances or facts since the decision;
 - a failure to consider a basic principle which had been raised in the original proceeding; or
 - a new principle that has arisen as a result of the decision.

Issues

12. The Commission has identified the following issues to be addressed in this decision:

- Was the Commission’s decision not to award certain costs contrary to its statutory and constitutional obligations, or to its policies, with respect to accessibility?
- Did the Commission depart from its approach to costs awards without notice when it determined that a reasonable amount of time to claim for preparing and filing a costs application is 24 hours?

Was the Commission’s decision not to award certain costs contrary to its statutory and constitutional obligations, or to its policies, with respect to accessibility?

Positions of parties

The Applicants

13. The Applicants submitted that the Commission’s decision not to award certain claimed costs is inconsistent with its legal obligations towards persons with disabilities. This includes equality obligations and the obligation to reduce barriers to participation in Commission proceedings.

Interveners

14. PIAC agreed that the Commission is required to ensure that its practices and procedures are not a barrier to persons with disabilities. It argued that the Commission’s decision not to award certain claimed costs goes against the Guidelines.

Commission’s analysis

15. The applications concern the Commission’s authority to award costs to public interest groups that participate in its proceedings. This authority is found in the *Telecommunications Act* (the Act), which provides that the Commission may award costs of and incidental to proceedings before it and may fix the amount of those costs.⁵ At its core, the Act gives the Commission broad discretion to decide how and to whom costs will be awarded. In exercising this discretion, the Commission is mindful of its stewardship role when requiring third parties to pay costs for public participation in its proceedings.

16. The Commission must apply its discretion in a way that takes into account and respects its other legal obligations. For instance, the Commission must consider the consumer-centred policy objectives set out in section 7 of the Act and the accessibility-centred directions of the 2023 Policy Direction.

⁵ *Telecommunications Act*, section 56.

17. As a federal decision-making body, the Commission is also subject to the *Canadian Charter of Rights and Freedoms* (the Charter). It must respect the Charter's fundamental values of equality.⁶
18. Other statutes also guide and help inform the Commission's actions. The *Canadian Human Rights Act* sets out obligations of non-discrimination and the duty to accommodate. The *Accessible Canada Act* sets out accessibility principles, including that all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities.
19. The Commission finds that the Orders appropriately took these obligations into account. They addressed the specific circumstances of each application in light of applicable statutory and constitutional obligations. The Commission explicitly acknowledged the accessibility needs of the Applicants, including their reliance on ASL interpretation and the need for additional time compared to other parties. These considerations are reflected in the quantum of costs that were awarded, including the costs awarded to the Applicants for the preparation of their costs applications. In this way, the Commission respected the applicable legal framework and applied its authority appropriately.
20. The Commission's determination to limit to 24 hours the number of hours for preparing the costs applications was informed by an analysis of previous costs claimed and awarded to the Applicants or similarly situated groups. The costs claimed for preparing the applications in this case were significantly higher than any amounts previously claimed, and, based on the record, there was no basis to exceed the 24-hour timeframe. In relying on previous costs applications for similarly situated groups, the Orders were consistent with the Commission's approach to assessing whether time claimed is excessive under the Guidelines.
21. With respect to costs claimed for responding to RFIs, the purpose of costs awards is to reimburse an applicant's expenses in relation to its participation in a Commission proceeding. As the Commission noted in the Orders, the RFI responses concerned applications for costs, not the underlying VRS review proceeding. In fact, the Commission found that the RFIs allowed the Applicants to explain and adjust their costs applications. As a result, the Commission's finding that the costs claimed to respond to RFIs were not sufficiently connected to the purpose of costs awards to be eligible for reimbursement was appropriate.
22. Finally, the Applicants submitted that, by not awarding certain costs for ASL interpretation relating to their RFI responses, the Commission failed to apply its own policies contained within the *Accessibility Plan 2023-2025* and the *2024 Accessibility Progress Report*. However, the Commission notes that, where these documents discuss ASL, it is in the context of the Commission providing interpretation during its hearings and translating informational videos on

⁶ These values underpin subsection 15(1) of the *Canadian Charter of Rights and Freedoms*, which provides that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination.

its website into ASL. These documents do not discuss ASL in the context of costs applications, where costs claimed must be related to participation in the underlying proceeding.

23. In light of the above, the Commission considers that its determinations in the Orders were not contrary to its statutory and constitutional obligations, or policies, with respect to accessibility.

Did the Commission depart from its approach to costs awards without notice when it determined that a reasonable amount of time to claim for preparing and filing a costs application is 24 hours?

Positions of parties

The Applicants

24. The Applicants submitted that the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) set out clear criteria for costs awards, and these provide no basis to limit the number of hours claimed to prepare costs applications. They submitted that the Commission applied a limit retroactively without any prior notice, public consultation, or individualized assessment. The Applicants alleged that, in doing so, the Commission acted outside the scope of its statutory authority and in a manner that is inconsistent with its own costs policies and the principles of procedural fairness.

Interveners

25. PIAC supported the Applicants' argument that imposing a 24-hour limit for claims related to the preparation of a costs application would have a negative impact on future public interest participation, especially for financially strained groups and vulnerable Canadians.
26. The CTA submitted that the Commission acted within its authority by applying the Rules of Procedure and the Guidelines and that it evaluated each costs application on its own merits.

Commission's analysis

27. The DWCC, the DBPC, and the CNSDB claimed 90 hours, 150 hours, and 64 hours respectively for the work performed to prepare and submit their costs applications. As outlined in the Orders, the Commission finds that, unlike responses to RFIs, reasonable costs relating to preparing a costs application can be reimbursed because they have a sufficient connection to a party's participation in the substantive proceeding. However, as stated in the Orders, the specific amounts claimed in this case were significantly higher than those claimed in past proceedings.
28. While the Guidelines do not explicitly state the number of hours that can reasonably be claimed for preparing and submitting a costs application, they do provide notice that the Commission will examine costs claimed and will not award amounts deemed excessive. The Guidelines set out clear and transparent factors that the Commission will generally consider when assessing whether time claimed is excessive in the circumstances:

- the extent of the applicant’s participation, the degree of complexity of the issues to which that participation related, and the amount of documentation involved in the proceeding;
- the degree of responsibility assumed by any consultants, experts, employees, or others retained by the applicant to prepare submissions;
- the duplication of substantive submissions;
- the experience and expertise of consultants, experts, employees, or others retained by the applicant; and
- the time claimed and awarded in the proceeding or in other similar proceedings.

29. In the Orders, the Commission applied the above-listed factors when it assessed whether amounts claimed for preparing and submitting costs applications were reasonable. This included comparing amounts claimed by the Applicants to previous amounts claimed in the past seven years.

30. For this reason, the Commission considers that there was no lack of notice and, therefore, no breach of procedural fairness. Accordingly, the Commission did not depart from its approach to costs awards without notice when it determined, in the Orders, that a reasonable amount of time to claim for preparing and filing a costs application is 24 hours.

Conclusion

31. In light of all of the above, the Commission finds that the Applicants have not established that there is a substantial doubt as to the correctness of the Commission’s determinations in the Orders.

32. Accordingly, the Commission declines to vary Telecom Orders 2025-97, 2025-100, and 2025-102.

Secretary General

Related documents

- *Determination of costs award with respect to the participation of the Canadian National Society of the Deaf-Blind, Inc. in the proceeding initiated by Telecom Notice of Consultation 2021-102, Telecom Order CRTC 2025-102, 14 May 2025*
- *Determination of costs award with respect to the participation of the Deaf-Blind Planning Committee in the proceeding initiated by Telecom Notice of Consultation 2021-102, Telecom Order CRTC 2025-100, 14 May 2025*

- *Determination of costs award with respect to the participation of the Deaf Wireless Canada Consultative Committee in the proceeding initiated by Telecom Notice of Consultation 2021-102*, Telecom Order CRTC 2025-97, 14 May 2025
- *Call for comments – Review of video relay service*, Telecom Notice of Consultation CRTC 2021-102, 11 March 2021, as amended by Telecom Notices of Consultation CRTC 2021-102-1, 26 April 2021; 2021-102-2, 30 June 2021; 2021-102-3, 14 March 2022; and 2021-102-4, 19 September 2023
- *Revised guidelines for review and vary applications*, Telecom Information Bulletin CRTC 2011-214, 25 March 2011
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010