Canadian Radio-television and Telecommunications Commission | Conseil de la radiodiffusion et des télécommunications canadiennes

Telecom Order CRTC 2026-180

PDF version

Gatineau, 22 July 2026

File numbers: 8665-D112-202502708, 8665-C423-202502723, and 4754-801

Determination of costs award with respect to the participation of the Ontario Association of the Deaf in the proceedings initiated by applications to review and vary Telecom Regulatory Policy 2025-54

Application

1. By letter dated 8 August 2025, the Ontario Association of the Deaf (OAD) applied for costs with respect to its participation in two separate proceedings initiated by applications to review and vary Telecom Regulatory Policy 2025-54 (the proceedings). The OAD participated in collaboration with the Newfoundland and Labrador Association of the Deaf (NLAD) as part of the Deaf and Hard of Hearing Coalition (DHHC), and each submitted its own costs application. The first proceeding was initiated by an application from the DHHC raising concerns with aspects of Telecom Regulatory Policy 2025-54 (the policy) about continued barriers for Deaf and Hard of Hearing (DHH) individuals using video relay service (VRS). In the second proceeding, the Canada Deaf Grassroots Movement (CDGM) requested that the Commission review some of the determinations it made in the policy. The OAD participated in that proceeding through an intervention in support of the application.

2. Bell Canada filed an answer, dated 18 August 2025, in response to the OAD's application. On 28 August 2025, NLAD and the OAD replied to Bell Canada's answer.

3. On 5 October 2025, the OAD filed an amendment to its costs application to include an additional $660 to prepare the reply. However, the OAD later questioned whether it was entitled to this amount.

4. The OAD submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceedings, it had assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.

5. In particular, the OAD explained that it represents the interests of DHH sign language users who would benefit from a DHH-friendly and accessible VRS. The OAD submitted that its mission is to protect and promote the rights, needs, and concerns of people who are Deaf or who communicate in American Sign Language within the province of Ontario. The OAD further

submitted that its contributions offered a distinct and unique point of view on the issues under consideration and did not duplicate those of other parties.

6. The OAD requested that the Commission fix its costs at $9,897.70, consisting of consultant fees and disbursements. The OAD filed a bill of costs with its application.

7. The OAD claimed 54.75 hours at a rate of $165 per hour for an external consultant, consisting of 8 hours to review the file for its review and vary application, 18 hours to prepare the review and vary application, and 15.25 hours to prepare the reply related to that application. The OAD also claimed 5.25 hours to prepare the intervention to the CDGM's application, 4.25 hours to prepare the costs application, and 4 hours to reply to Bell Canada's answer to the costs application.

8. Additionally, the OAD claimed 1.75 days at a rate of $470 per day for an internal consultant, consisting of 0.5 days to review the file for its review and vary application, 0.5 days to prepare the review and vary application, 0.5 days to prepare the reply related to that application, and 0.25 days to prepare the intervention to the CDGM's application. The OAD also claimed $41.25 for disbursements to notarize and photocopy documents.

9. The OAD submitted that the telecommunications service providers that were mandated in Telecom Regulatory Policy 2014-187 to fund VRS through the National Contribution Fund are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents).

Answer

10. Bell Canada submitted that the Commission should deny or reduce the OAD's application for costs. Bell Canada indicated that costs should not be awarded to a party that initiates a review and vary proceeding unless the application is successful, and that the alternative risks creating perverse incentives. Bell Canada added that the OAD did not meet the legal threshold for a review and vary application because it had failed to establish substantial doubt as to the correctness of the policy. Bell Canada therefore submitted that the costs application should be denied.

11. Bell Canada further submitted that the costs application should be significantly reduced because of duplication between the OAD's review and vary application and its submissions for the VRS review proceeding. Alternatively, Bell Canada suggested a reduction in costs because the review and vary application submitted by the DHHC should have been submitted together with the CDGM's, rather than as two separate applications. Bell Canada added that the OAD submitting costs related to two proceedings in a single costs application created a risk of double counting. Bell Canada also indicated that the costs application was submitted late.

Reply

12. NLAD and the OAD submitted that, rather than responding to what Bell Canada identified as a perverse incentive, they filed their review and vary application because they identified genuine issues with VRS as mandated by the policy.

13. Regarding the duplication between submissions, the OAD noted that referring to past submissions was necessary to demonstrate why the policy needed to be reviewed and varied. Regarding the lack of coordination with the CDGM, the OAD indicated that parties are permitted to coordinate submissions and applications, but are not required to do so. The OAD added that its decision to file a single costs application covering two proceedings aims at reducing regulatory burden. The OAD further submitted that its costs application was not late, because it was filed within 30 days of the dates for final comments in the review and vary proceedings.

Request for information

14. On 21 January 2026, Commission staff sent a request for information (RFI) to NLAD and the OAD, seeking further clarity on the hours submitted and how NLAD and the OAD accounted for any overlap in the time spent on their application, intervention in the CDGM proceeding, and reply.

15. On 4 February 2026, NLAD and the OAD replied with the hourly records for the OAD's external consultant and a breakdown of the proceedings to which internal consultant hours related. They also indicated that there was no overlap in submissions for which costs were claimed and no double counting or overcompensation. Regarding potential duplication with previous submissions, NLAD and the OAD submitted that their evidence was presented with quotes from previous submissions and that this approach therefore did not necessitate any new research or analysis for their review and vary application. This, however, did not apply to their intervention or reply.

16. The OAD also indicated that it had reviewed a previous costs order, Telecom Order 2025-313, and that it now believed that it could not claim reimbursement for the additional $660 claimed to reply to Bell Canada's answer.

Commission's analysis

17. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:

> 68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:
>
> (a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;

(b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and

(c) whether the applicant participated in the proceeding in a responsible way.

18. In Telecom Information Bulletin 2016-188, the Commission provided guidance regarding how an applicant may demonstrate that it satisfies the first criterion with respect to its representation of interested subscribers. In the present case, the OAD has demonstrated that it meets this requirement. The OAD represents the interests of sign language users who would benefit from a DHH-friendly and accessible VRS, in particular people who are Deaf or who communicate in American Sign Language within the province of Ontario.

19. The OAD has also satisfied the remaining criteria through its participation in the proceedings. In particular, the OAD's submissions, especially regarding issues for DHH users and barriers to accessing and using VRS that were not addressed in the policy, assisted the Commission in developing a better understanding of the matters that were considered. The Commission also notes that the application was filed within 30 days of the dates fixed in the proceedings for final representations, and that it was therefore not submitted late. The OAD participated in a responsible way by filing its documents on time and responding to both Bell Canada's answer and Commission staff's RFI.

20. Regarding Bell Canada's answer, the Commission notes that an award of costs does not require that the costs applicant be successful in its review and vary application. The criteria an applicant is required to meet are set out in section 68 of the Rules of Procedure. Additionally, pursuant to Telecom Regulatory Policy 2010-963, the Commission has previously held that automatically denying costs when a costs applicant's application under Part VII of the Telecommunications Rules or Part 1 of the Rules of Procedure has not been successful could have a chilling effect on those who wish to raise issues of public interest.[1]

21. The Commission assesses each costs application on its merits. This approach allows for the possibility of awarding costs when parties raise issues of public interest, even if those parties are ultimately unsuccessful in their application. The Commission also notes that ensuring that funding is used effectively in the public interest is a key theme in the Commission's current proceeding on improving public interest participation.

22. Regarding the amendment for $660 of additional costs, the Commission notes that the statement the OAD referenced at paragraph 26 of Telecom Order 2025-313 was about costs submitted for responding to an RFI, which could not be reimbursed. In the present case, the $660 claim was for costs for replying to Bell Canada's answer regarding the costs application. Accordingly, the Commission considers that the additional $660 is eligible for reimbursement.

---

[1] Telecom Regulatory Policy 2010-963, at paragraph 26.

23. Regarding Bell Canada's submission that costs could have been reduced through coordination, the Commission is of the view that the costs applicants were not obligated to combine their applications with that of the CDGM. Although both the CDGM and the DHHC represent accessibility concerns relevant to sign language users, this does not mean that they hold the same views and must coordinate submissions.

24. The Commission also notes that separate costs applications would typically be submitted for participation in different proceedings, and that the OAD would have been eligible to submit separate costs applications for both proceedings. However, the approach taken by the OAD in this case was aimed at reducing administrative burden, and the combined costs application can therefore be assessed, but care must still be taken to ensure that this does not result in double counting or overcompensation.

25. The rates claimed in respect of consultant fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010-963. The Commission finds that most costs claimed were necessarily and reasonably incurred, but that the costs for preparing the application should be reduced in light of the extensive use of quotations and the OAD's submission about not conducting new research or analysis for it.

26. The Commission recognizes that preparing an application requires time for writing and filing the application in addition to research and analysis. However, given the extensive quotations in the content of the application and the lack of new research or analysis conducted, the 0.5 internal consultant days and 18 external consultant hours claimed for preparing the application are not reasonable.

27. Costs awards are intended to compensate for work that is both necessary and reasonably incurred. Where the work performed is limited in scope, such as organizing existing materials or presenting established positions, the time claimed must be proportionate to that more limited effort. In this case, the preparation appears to have involved primarily compilation and formatting rather than substantive development of arguments or evidence. As such, the Commission considers that the level of effort required would reasonably be lower than claimed.

28. Accordingly, a reduction of 50% specifically applied to the time claimed to prepare the review and vary application is appropriate to reflect the limited complexity and absence of new research or analysis. This results in a reduction of $1,602.50 from the OAD's costs.

29. This is an appropriate case in which to fix the costs and dispense with taxation, in accordance with the streamlined procedure set out in Telecom Public Notice 2002-5.

30. The Commission has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the outcome of the proceeding in question and have participated actively in that proceeding. The Commission considers that the following parties had a significant interest in the outcome of the proceedings and participated actively in the

proceedings: Bell Canada and its affiliates (Bell Canada et al.);[2] Bragg Communications Inc., carrying on business as Eastlink (Eastlink); Cogeco Communications Inc. (Cogeco); Quebecor Media Inc., on behalf of its affiliates Freedom Mobile Inc. and Videotron Ltd. (Quebecor); Rogers Communications Canada Inc. (Rogers); Saskatchewan Telecommunications (SaskTel); TBayTel; TELUS Communications Inc. (TELUS); and Xplore Inc.[3]

31. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs) as an indicator of the relative size and interest of the parties involved in the proceedings. [4]

32. However, as set out in Telecom Order 2015-160, the Commission considers $1,000 to be the minimum amount that a costs respondent should be required to pay, due to the administrative burden that small costs awards impose on both the applicant and costs respondents.

33. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:[5]

Company	**Proportion**	**Amount**
Bell Canada et al.	39.76%	$3,298.17
Rogers	32.29%	$2,678.52
TELUS	27.95%	$2,318.51

[2] Bell Canada and its affiliates Bell Conferencing Inc.; Bell Mobility Inc.; Câblevision du Nord de Québec inc.; Distributel Communications Limited; EBOX, a division of Bell Canada; Groupe Maskatel Québec LP; KMTS, a division of Bell Canada; NorthernTel, Limited Partnership; Northwestel Inc.; Ontera, a division of Bell Canada; Oricom Internet Inc.; Réseau Internet Québec inc.; Réseau Picanoc.Net inc.; and Télébec, Société en commandite.

[3] In these proceedings, the Canadian Telecommunications Association intervened on behalf of Bell Canada et al., Cogeco, Eastlink, Freedom Mobile Inc., Rogers, SaskTel, TBayTel, TELUS, Videotron Ltd., and Xplore Inc. Quebecor submitted a separate intervention on behalf of its affiliates Freedom Mobile Inc. and Videotron Ltd.

[4] TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

[5] In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

Directions regarding costs

34. The Commission approves, with modifications and by majority decision, the application by the OAD for costs with respect to its participation in the proceedings.

35. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to the OAD at $8,295.20.

36. The Commission directs that the award of costs to the OAD be paid forthwith by Bell Canada and its affiliates, Rogers Communications Canada Inc., and TELUS Communications Inc. according to the proportions set out in paragraph 33.

37. A dissenting opinion by Commissioner Ellen C. Desmond, K.C. is attached to this order.

Secretary General

Dissenting opinion of Commissioner Ellen C. Desmond, K.C.

Background

1. The Ontario Association of the Deaf (OAD) is an organization that works to champion Deaf rights and promote accessibility across Ontario. It is engaged in advocacy and has intervened in various Commission proceedings, sometimes as a standalone intervener and sometimes in conjunction with other organizations. It has successfully intervened on many occasions, making valuable contributions and raising unique accessibility perspectives.

2. In 2021, the Commission issued Telecom Notice of Consultation 2021-102, commencing a review of video relay service (VRS). The OAD joined with two other entities, namely, the Newfoundland and Labrador Association of the Deaf (NLAD) and the Deafness Advocacy Association Nova Scotia, to form the Deaf and Hard of Hearing Coalition (DHHC). The DHHC was successful in making valuable and useful contributions to the proceeding and was awarded costs for its participation.[1]

3. The Commission subsequently issued Telecom Regulatory Policy 2025-54 (the policy) to ensure that the service is more inclusive and diverse and to enhance its usability.

4. Thereafter, the DHHC filed a review and vary application of the policy. It also participated as an intervener in a review and vary application that had been filed by the Canada Deaf Grassroots Movement (CDGM), supporting its request for relief. In both cases, the review and vary applications were dismissed after the Commission carefully assessed the record and determined that a substantial doubt as to the correctness of the updated VRS policy had not been established.[2]

Costs application

5. The OAD has now applied for costs arising from the review and vary applications. This costs application is separate from another costs application filed by NLAD.

6. The OAD costs application totals $9,897.70 and is comprised of two parts:

   (a) costs arising from its own review and vary application; and

   (b) costs arising from its intervention in the CDGM application.

---

[1] The Commission awarded costs to the DHHC in Telecom Order 2025-313.

[2] Telecom Decision 2026-72 specifically addressed the DHHC application. The CDGM review and vary application was considered in Telecom Decision 2026-73.

7. The OAD submitted that it has met the criteria for a costs award as set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, which requires the Commission to consider:

   (a) whether the applicant has represented a group or class of subscribers that had an interest in the outcome of the proceeding;

   (b) the extent to which the applicant has assisted the Commission in developing a better understanding of the matters to be considered; and

   (c) whether the applicant has participated in the proceeding in a responsible way.

8. My colleagues have determined that these three criteria have been satisfied and that costs, in part, should follow. With the greatest respect to my colleagues, I do not agree.

9. In particular, I am not satisfied that the second criterion has been properly considered by the majority. The DHHC, of which the OAD was a part**,** provided a strong and compelling intervention at first instance and in response to the original notice of consultation. It successfully assisted the Commission in acquiring a better understanding of accessibility concerns and persistent accessibility barriers during the original proceeding.

10. In contrast, and in filing the review and vary application, the DHHC reiterated many of the same arguments that were offered in the proceeding leading to the policy. Similarly, its intervention in the CDGM application was limited. It did affirm the position of the CDGM but did not raise any new substantive views or issues.

11. In Telecom Decision 2026-72, the Commission noted that it had already "taken measures to help address the specific concerns raised by the DHH Coalition in its review and vary application".[3] Moreover, the Commission stated as follows at paragraph 17**:**

    17. Regarding the review and vary application, while the DHH Coalition expressed dissatisfaction with certain aspects of Telecom Regulatory Policy 2025-54 and reiterated many of the recommendations it made in the proceeding that led to the regulatory policy, it did not demonstrate an error, a fundamental change, a failure to consider a basic principle, or a new principle that would raise a substantial doubt as to the correctness of the decision.

12. In light of this finding, it is not possible to conclude that the OAD substantially assisted the Commission **in developing a better understanding of the matters to be considered** (emphasis added).

[3] See Telecom Decision 2026-72, paragraph 22.

13. My colleagues have taken a different approach. They have decided that costs should be awarded, in part, while also acknowledging that the review and vary application had limited complexity and that there was an absence of any new research or analysis. They have referred to Telecom Regulatory Policy 2010-963, where the Commission stated that **automatically denying costs** (emphasis added) when an application has not been successful could have a chilling effect on those who wish to raise issues of public interest.

14. I do not dispute this regulatory principle. It is important that applicants have the ability to bring forward public interest issues and successfully recover costs, where appropriate.

15. At the same time, it is not sufficient to simply express dissatisfaction or restate original arguments. In these instances, and where an applicant does not provide any new facts, analysis, or research, it does not assist in providing a **better understanding of the matters in issue** (emphasis added). An applicant should be able to demonstrate that they have, in some way, gone further than reiterating their original position.

16. In effect, costs should only be awarded where the Commission's framework and criteria have been satisfied. In this case, and **having considered the extent to which the applicant has assisted the Commission in developing a better understanding of the matters to be considered** (emphasis added), costs should not be awarded.

Related documents

- *Canada Deaf Grassroots Movement – Application to review and vary Telecom Regulatory Policy 2025-54*, Telecom Decision CRTC 2026-73, 22 April 2026
- *Deaf and Hard of Hearing Coalition – Application to review and vary Telecom Regulatory Policy 2025-54*, Telecom Decision CRTC 2026-72, 22 April 2026
- *Determination of costs award with respect to the participation of the Deaf and Hard of Hearing Coalition in the proceeding initiated by Telecom Notice of Consultation 2021-102*, Telecom Order CRTC 2025-313, 24 November 2025
- *Review of video relay service*, Telecom Regulatory Policy CRTC 2025-54, 21 February 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
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *Video relay service*, Telecom Regulatory Policy CRTC 2014-187, 22 April 2014
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002