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OUR COMPETITION EXPERTISE

Lenczner Slaght has extensive experience in all areas of competition litigation. We regularly act in cases involving alleged breaches of the *Competition Act*, including misleading advertising, price fixing, and other conspiracy cases. We also represent defendants in competition class actions. Our clients include leading multinational manufacturers, auto parts companies, and technology companies, among others. Our courtroom experience, combined with our deep understanding of strategic business issues, allows us to provide effective representation for both Canadian and international clients in the most vigorously contested disputes.

Competition

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What was the most interesting development of 2025, and why?

The most interesting development of 2025 was the limited private proceedings, despite the recent amendments to the *Competition Act*. When new powers were introduced in June 2025 that enabled private litigants to seek remedy at the Competition Tribunal, many predicted a rapid influx of applications for relief. Historically, private access to the Competition Bureau has been limited. Since 2002, 32 leave applications have been filed, but only nine granted. New provisions expanding access rights were expected to cause those numbers to increase dramatically. However, through the end of 2025, only one application under these new provisions was brought. This is likely due to two main uncertainties:

- The unclear legal test private litigants must meet when bringing an application for leave to the Tribunal.
- More practically, uncertainty on the part of plaintiffs' counsel regarding their ability to get paid in these leave applications. These amendments have seemingly created a quasi-class action regime without the well-established court infrastructure that supports traditional class actions.

The first source of uncertainty will be mitigated by the Tribunal's early 2026 decision in *Martin v Alphabet Inc*, which provides clarity about the leave test for the new "public interest" leave provisions.

Also of particular interest is Google's recent constitutional challenge to the [2022 and 2023 amendments](#) to the *Competition Act* regarding potential administrative monetary penalties. The most recent amendments have dramatically increased the administrative monetary penalties a party could be subjected to, including penalties up to 3% of a business's global revenue. Google has challenged these provisions, arguing they are "true penal consequences" and, therefore, are a violation of the *Charter*. The Bureau, on the other hand, argues these new provisions are remedial and designed to ensure compliance, not punitive measures. This case was heard in Fall 2025, but no decision has been made yet.

What's the primary takeaway for businesses from the past year?

Throughout 2025, the Bureau made it clear that it is intensifying enforcement action against anti-competitive behaviour, particularly against those who engage in drip pricing. The Bureau defines drip pricing as the "practice of promoting something at one price, while concealing the real price from consumers until later in the purchasing process."

In 2024, the Bureau obtained a nearly \$39 million administrative monetary penalty from [Cineplex](#) for their drip pricing practices, and it showed no signs of slowing down in 2025. In May 2025, the Bureau brought an [application](#) against Canada's Wonderland for drip pricing, alleging the park's advertised pricing is misleading because it does not disclose a mandatory processing fee (which can range from \$0.99 to \$9.99 per purchase).

The Bureau's recent crackdown signals that businesses must be transparent with their pricing at the first instance and should take particular care to ensure that multi-step purchasing processes show the consumer the entire cost as early as possible.

What's one trend you are expecting in 2026?

The Bureau is set to amend several of their guidelines in 2026, including the [abuse of dominance enforcement guidelines](#), [parts of the competitor collaboration guidelines](#), [price maintenance guidelines](#), and [merger enforcement guidelines](#). The new guidelines are currently under review and should be implemented at various times throughout 2026. Combined with the sweeping amendments to the *Competition Act* in recent years, these new guidelines signal a new era of competition law in Canada. Businesses can expect the Bureau to continue their rigorous efforts to crack down on anti-competitive conduct in 2026, while potential litigants will benefit from the added clarity the updated guidelines will provide.