



Reference: *The Commissioner of Competition v. Iron Mountain Incorporated*,  
2016 Comp. Trib. 13  
File No.: CT-2016-010  
Registry Document No.: 5

**IN THE MATTER OF** the *Competition Act*, R.S.C. 1985, c. C-34, as amended, and the  
*Competition Tribunal Rules*, SOR/2008-141;

**AND IN THE MATTER OF** the proposed acquisition of Recall Holdings Limited by Iron  
Mountain Incorporated;

**AND IN THE MATTER OF** the filing and registration of a consent agreement pursuant to  
sections 92 and 105 of the *Competition Act*;

**AND IN THE MATTER OF** an application pursuant to section 106(1)(b) of the *Competition  
Act*.

B E T W E E N:

**The Commissioner of Competition**  
(applicant)

and

**Iron Mountain Incorporated**  
(respondent)



Decided on the basis of the written record.

Before: Gascon J. (Chairperson), Barnes J. and Dr. D. McFetridge

Date of Order: June 16, 2016

Order signed by: Mr. Justice D. Gascon

**ORDER ALLOWING AN APPLICATION UNDER PARAGRAPH 106(1)(b) OF THE  
COMPETITION ACT TO VARY A CONSENT AGREEMENT**

- [1] **FURTHER** to the Consent Agreement filed on March 31, 2016 by the Commissioner of Competition (the “**Commissioner**”) in relation to the acquisition of Recall Holdings Limited by Iron Mountain Incorporated (“**Iron Mountain**”), (the “**Transaction**”);
- [2] **AND WHEREAS** the Consent Agreement provides for, among other things, the divestiture of records management facilities at 2370 Walkley Road and 1209 Algoma Road in Ottawa, ON;
- [3] **AND WHEREAS** Iron Mountain has requested the option to instead divest its records management facilities at 1650A and 1650B Comstock Road in Ottawa, ON;
- [4] **AND WHEREAS** the Commissioner is satisfied that the divestiture of either set of facilities in Ottawa is sufficient to ensure that any substantial lessening and/or prevention of competition will not result from the Transaction;
- [5] **AND FURTHER** to an Application made on consent pursuant to paragraph 106(1)(b) of the *Competition Act*, R.S.C. 1985, c. C-34, by Iron Mountain and the Commissioner, to vary the Consent Agreement;
- [6] **AND UPON** considering the Application, the information and the reasons set out therein for the variation of the Consent Agreement;
- [7] **AND UPON** being satisfied with the reasons and information provided;
- [8] **AND UPON** noting that the amendment of the Consent Agreement is on consent but is nevertheless a discretionary matter for the Tribunal;

**THE TRIBUNAL ORDERS THAT:**

- [9] The Consent Agreement is hereby varied by:
- (a) The preservation obligations in Part VI of the Consent Agreement shall apply to Iron Mountain’s records management facilities at 1650A and 1650B Comstock Road, Ottawa, ON, in addition to the Iron Mountain Divestiture Facilities as defined in the Consent Agreement; and
  - (b) Iron Mountain or the Divestiture Trustee, as the case may be, may divest Iron Mountain’s records management facilities at 1650A and 1650B Comstock Road instead of the facilities at 2370 Walkley Road and 1209 Algoma Road, in which case the Consent Agreement shall apply as if “2370 Walkley Road” is replaced by “1650A Comstock Road” and “1209 Algoma Road” is replaced by “1650B Comstock Road” everywhere they appear in the Consent Agreement, including Confidential Schedule B.

DATED at Ottawa, this 16<sup>th</sup> day of June, 2016

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Denis Gascon

COUNSEL:

For the applicant:

The Commissioner of Competition

Steve Sansom

For the respondent:

Iron Mountain Incorporated

Adam Fanaki