

File No. CT-2016-

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34 (the “**Act**”);

AND IN THE MATTER OF an application by CarGurus, Inc. for an order pursuant to section 103.1 of the Act granting leave to bring an application under sections 75, 76, and 77 of the Act;

AND IN THE MATTER OF an application by CarGurus, Inc. for an order pursuant to sections 75, 76, and 77 of the Act;

BETWEEN:

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE FILED / PRODUIT April 15, 2016 CT-2016-003 Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 2

CARGURUS, INC.

Applicant

- and -

TRADER CORPORATION

Respondent

NOTICE OF APPLICATION FOR LEAVE

(Pursuant to section 103.1 of the *Competition Act*)

TAKE NOTICE THAT:

1. The Applicant will make an application to the Competition Tribunal (“**Tribunal**”) on a date and time to be set by the Tribunal at Ottawa or Toronto, Ontario pursuant to Section 103.1 of the *Competition Act* (the “**Act**”) seeking leave to bring an application for:

- (a) an Order pursuant to section 75(1) of the Act requiring the Respondent to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other Digital Marketplaces (as defined in the Applicant's Proposed Notice of Application);
- (b) an Order pursuant to section 76(2) of the Act prohibiting the Respondent from continuing to engage in the practices that form the basis of this Application;
- (c) an Order pursuant to section 76(2) of the Act requiring the Respondent to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other Digital Marketplaces;
- (d) an Order pursuant to section 76(8) of the Act prohibiting the Respondents from continuing to engage in the practices that form the basis of this Application;
- (e) an Order pursuant to section 76(8) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other Digital Marketplaces;
- (f) an Order pursuant to section 77(2) of the Act prohibiting the Respondents from continuing to engage in exclusive dealing;
- (g) an Order pursuant to section 77(2) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other Digital Marketplaces;
- (h) an Order expediting the hearing of the within Application;
- (i) an Order for costs, if the within Application is opposed; and
- (j) such further and other orders as the Applicant may request and the Tribunal deems just.

AND TAKE NOTICE THAT:

2. The person against whom the orders are sought is the Respondent, Trader Corporation.
The Respondent's address is set out below.
3. The Applicant will rely on the Statement of Grounds and Material Facts attached as Schedule "A" to the Proposed Notice of Application; the Affidavit of Martha Blue, sworn

April 14th, 2016; the Memorandum of Fact and Law accompanying this Application; and such further or other material as counsel may advise and the Tribunal may permit.

4. The Applicant requests that this Application be heard in the English language.
5. The Applicant requests that the documents for this Application be filed in electronic form.
6. Dated at Toronto this 15th day of April, 2016.



WEIRFOULDS LLP

Barristers & Solicitors
4100 - 66 Wellington Street West
P.O. Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Nikiforos Iatrou
Bronwyn Roe

Tel: 416-365-1110
Fax: 416-365-1876

niatrou@weirfoulds.com
broe@weirfoulds.com

Lawyers for the Applicant

TO: The Registrar
Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4

Tel: 613-957-7851
Fax: 613-952-1123
filing.depot@ct-tc.gc.ca

AND TO: John Pecman, Commissioner of Competition
Competition Bureau
50 Victoria Street
Gatineau, QC K1A 0C9

Tel: 819-997-4282
Fax: 819-997-0324

AND TO: GOODMANS LLP
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, ON M5H 2S7

Peter Ruby
Michael Koch
Hannah Arthurs

Tel: 416-979-2211
Fax: 416-979-1234

pruby@goodmans.ca
mkoch@goodmans.ca
harthurs@goodmans.ca

Lawyers for the Respondent

File No. CT-2016-

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34 (the “Act”);

AND IN THE MATTER OF an application by CarGurus, Inc. for an order pursuant to section 103.1 of the Act granting leave to bring an application under sections 75, 76, and 77 of the Act;

AND IN THE MATTER OF an application by CarGurus, Inc. for an order pursuant to sections 75, 76, and 77 of the Act;

AND IN THE MATTER OF an application by CarGurus, Inc. for an order pursuant to section 104 of the Act;

BETWEEN:

CARGURUS, INC.

Applicant

- and -

TRADER CORPORATION

Respondent

**NOTICE OF APPLICATION FOR LEAVE
(Pursuant to s. 103.1 of the *Competition Act*)**

WEIRFOULDS LLP

Barristers & Solicitors
4100 - 66 Wellington Street West
P.O. Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

**Nikiforos Iatrou
Bronwyn Roe**

Tel: 416-365-1110
Fax: 416-365-1876

niatrou@weirfoulds.com
broe@weirfoulds.com

Lawyers for the Applicant