

Competition Tribunal



Tribunal de la Concurrence

Reference: *Audatex Canada, ULC v. CarProof Corporation*, 2015 Comp. Trib. 25
File No.: CT-2015-010
Registry Document No.: 070

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an Application by Audatex Canada, ULC for an Order pursuant to section 103.1 granting leave to make application under section 75 of the *Competition Act*.

B E T W E E N:

Audatex Canada, ULC

(applicant)

and

**CarProof Corporation, Trader Corporation, and
eBay Canada Limited**

(respondents)



Decided on the basis of the written record.
Before Judicial Member: Gascon J. (Chairperson)
Date of Order: December 11, 2015

ORDER AMENDING THE STYLE OF CAUSE

[1] **FURTHER TO** the application filed by the Applicant against the Respondents for an Order pursuant to section 103.1 granting the Applicant leave to make an application under section 75 of the *Competition Act*, RSC 1985, c. C-34, as amended;

[2] **AND FURTHER TO** Rule 34(1) of the *Competition Tribunal Rules*, SOR/2008-141 (the “Rules”), which provides that, if a question arises as to the practice or procedure to be followed in proceedings before the Tribunal that is not provided for in the Rules, the *Federal Courts Rules*, SOR/98-106 (the “Federal Courts Rules”) may govern;

[3] **AND FURTHER TO** Rule 76 of the *Federal Courts Rules*, which provides that the name of a party may be corrected with leave in order to correct a mistake that would not cause a reasonable doubt as to the identity of the party;

[4] **AND WHEREAS** counsel for eBay Canada Limited has advised that the “Kijiji” automobile listings data that is in issue in the application is owned by Marktplaats B.V., not eBay Canada Limited;

[5] **AND WHEREAS** the Applicant, Marktplaats B.V. and eBay Canada Limited have consented to the issuance of this Order;

THE TRIBUNAL ORDERS THAT:

[6] The name of the Respondent “eBay Canada Limited” is corrected to “Marktplaats B.V.”.

[7] References in the Applicant’s Application for Leave under section 103.1 of the Act dated October 1, 2015, and Reply Record dated November 17, 2015, to “eBay Canada Limited” and “eBay” are deemed to read “Marktplaats B.V.” and “Marktplaats”, respectively.

[8] In any document hereafter filed with the Tribunal in the within matter, the style of cause shall read:

AUDATEX CANADA, ULC

(applicant)

- and -

**CARPROOF CORPORATION, TRADER CORPORATION,
AND MARKTPLAATS B.V.**

(respondents)

DATED at Ottawa, this 11th day of December, 2015.

SIGNED on behalf of the Tribunal by the Chairperson. .

(s) Denis Gascon

COUNSEL

For the applicant:

Audatex Canada, ULC

Donald B. Houston

Julie K. Parla

Jonathan Bitran

For the respondents:

CarProof Corporation

Adam Fanaki

Trader Corporation

Michael Koch

eBay Canada Limited

Davit Akman