

**THE COMPETITION TRIBUNAL**

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

**IN THE MATTER OF** an application by the Commissioner of Competition pursuant to section 79 of the *Competition Act*;

**AND IN THE MATTER OF** certain rules, policies and agreements relating to the multiple listing service of the Toronto Real Estate Board.

**BETWEEN:**

COMPETITION TRIBUNAL  
TRIBUNAL DE LA CONCURRENCE

RECEIVED / REÇU  
CT-2011-003  
February 6, 2015

Jos LaRose for / pour  
REGISTRAR / REGISTRAIRE

OTTAWA, ONT

# 289

**THE COMMISSIONER OF COMPETITION**

Applicant

- and -

**THE TORONTO REAL ESTATE BOARD**

Respondent

- and -

**THE CANADIAN REAL ESTATE ASSOCIATION**

Intervenor

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**THIRD WITNESS STATEMENT OF MARK ENCHIN**

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I, Mark Enchin, of the City of Guelph, in the Province of Ontario, state as follows:

1. I am Realtor and a member of the Guelph & District Association of Realtors. I am a sales representative with Realty Executives Plus Ltd. I have been actively involved in the real estate industry for about the last twenty-five years.

2. I gave evidence at the hearing in this matter held in September and October 2012 (the "Initial Hearing"). This witness statement updates the evidence I gave at the Initial Hearing with events that have happened since that time.

3. At the Initial Hearing, I gave evidence of a VOW I was developing with the help of Adpioneers, an interactive performance agency in downtown Toronto that specializes in website development. Adpioneers kept pushing back the expected completion date and my VOW was not complete when I testified at the Initial Hearing. Unfortunately, Adpioneers admitted in October 2012 after I testified at the Initial Hearing that it lacked the expertise to complete the VOW and we ended our working relationship.

4. After Adpioneers, I began working with a student from the University of Waterloo who a professor there recommended to me. We worked together to develop my VOW until the student graduated and moved to Seattle to work for Amazon. Although I hoped he could put the finishing touches on the VOW from Seattle, his work at Amazon has kept him far too busy to complete my VOW.

5. With another software developer having departed and me having invested an additional \$60,000 to \$80,000 since the Initial Hearing, I decided to pause investing money in a concept I still firmly believed in, but which was proving difficult to complete.

6. I have only recently resumed development. I am working with a new software developer and I hope to have a trial version of the VOW completed by the end of February 2015.

SIGNED THIS 2 DAY OF February 2015.



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MARK ENCHIN

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**THIRD WITNESS STATEMENT OF  
MARK ENCHIN**

**BENNETT JONES LLP**

Suite 3400, P.O. Box 130  
One First Canadian Place  
Toronto, ON M5X 1A4

**John F. Rook, Q.C.** (LSUC #13786N)

Tel: (416) 777-4885

**Andrew D. Little** (LSUC #34768T)

Tel: (416) 777-4808

**Emrys Davis** (LSUC #57391B)

Tel: (416) 777-6242

Fax: (416) 863-1716

Counsel for the Commissioner of Competition