

File No.: CT-2015-010

Registry Document No.: 1

**COMPETITION TRIBUNAL**

**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*.

**BETWEEN:**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE  FILED / PRODUIT CT-2015-010 October 1, 2015 <small>Jos LaRose for / pour</small> REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 1

**AUDATEX CANADA, ULC**

Applicant

- and -

**CARPROOF CORPORATION, TRADER CORPORATION, AND eBAY CANADA LIMITED**

Respondents

**APPLICATION FOR LEAVE TO MAKE AN APPLICATION  
 UNDER SECTION 75 OF THE *COMPETITION ACT*  
 PURSUANT TO SECTION 103.1 OF THE *COMPETITION ACT***

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**TAKE NOTICE THAT:**

1. The Applicant, Audatex Canada, ULC (“**Audatex**”), will make an application to the Competition Tribunal (the “**Tribunal**”) pursuant to section 103.1 of the *Competition Act* R.S.C. 1985, c. C-34, as amended, (the “**Act**”) seeking leave to bring an application for an Order under subsection 75(1) of the Act directing the Respondents to accept Audatex as a customer and to supply Canadian automobile listings data to Audatex on usual trade terms, and for an Order that CarProof Corporation pay Audatex’s costs of this application.

**AND TAKE NOTICE THAT:**

2. Audatex will rely on:

- (a) the Statement of Grounds and Material Facts attached as Schedule "A" to the Application Pursuant to Section 75;
- (b) the Affidavit of Gabor Toth, sworn on October 1, 2015;
- (c) the Memorandum of Fact and Law accompanying this Application; and
- (d) such further or other material as counsel may advise and the Tribunal may permit.

**AND TAKE NOTICE THAT:**

3. The persons against whom the order is sought are the Respondents. The addresses of the Respondents are:

- (a) CarProof Corporation  
130 Dufferin Avenue, Suite 1101  
London, Ontario, N6A 5R2
- (b) TRADER Corporation  
405 The West Mall, Suite 110  
Etobicoke, Ontario, M9C 5J1
- (c) eBay Canada Limited  
500 King Street West, Suite 200  
Toronto, Ontario, M5V 1L9

4. Audatex requests that this Application be heard in English.

5. Audatex requests that the documents for this Application be filed in electronic form.

Dated at Toronto this 1<sup>st</sup> day of October, 2015.

On behalf of the Applicant Audatex

Don Houston  
Per: J. Bitran

**McCarthy Tétrault LLP**  
Barristers & Solicitors  
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Solicitors for the Applicant

TO: **The Registrar**  
**Competition Tribunal**  
The Thomas D'Arcy McGee Building  
90 Sparks Street, Suite 600  
Ottawa, ON K1P 5B4

Tel: (613) 957-7851  
Fax: (613) 952-1123

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

Tel: (819) 997-5300  
Fax: (819) 953-5013

AND TO: **CarProof Corporation**  
130 Dufferin Avenue, Suite 1101  
London, Ontario, N6A 5R2

AND TO: **TRADER Corporation**  
405 The West Mall, Suite 110  
Etobicoke, Ontario, M9C 5J1

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AND TO: **eBay Canada Limited**  
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