

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Reliance Comfort Limited Partnership*, 2014
Comp. Trib. 16
File No.: CT-2012-002
Registry Document No.: 136

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

AND 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 policies and procedures of Reliance Comfort Limited
Partnership.

BETWEEN:

The Commissioner of Competition
(applicant)

and

**Reliance Comfort Limited
Partnership**
(respondent)

and

National Energy Corporation
(intervener)



Decided on the basis of the written record.
Before Judicial Member: Rennie J. (Chairperson)
Date of Order: September 10, 2014
Order signed by: Justice Donald J. Rennie

**ORDER IN RESPECT OF COSTS FOR RELIANCE'S MOTION FOR FURTHER AND
BETTER AFFIDAVITS OF DOCUMENTS**

[1] FURTHER TO the notice of application filed by the Commissioner of Competition (the “Commissioner”) against the Respondent pursuant to section 79 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Act”) for an order pursuant to subsections 79(1), 79(2) and 79(3.1) of the Act;

[2] AND FURTHER TO a motion filed by Reliance comfort Limited Partnership (“Reliance”) on May 9, 2014 seeking, among other things, an order requiring the intervenor, National Energy Corporation (“National Energy”), to conduct a reasonable review of sound recordings in its possession, power or control and produce those that are relevant (the “Motion”);

[3] AND FURTHER TO the Tribunal’s Reasons for Order and Order dated June 13, 2014 dismissing the Motion with cost (the “Order”);

[4] AND UPON reviewing the correspondence filed by National Energy informing the Tribunal that National Energy and Reliance have agreed to the disposition of the cost of the Motion;

[5] AND WHEREAS reliance has agreed to pay Costs of National Energy fixed at \$25,000, inclusive of all applicable taxes, by August 27, 2014;

THE TRIBUNAL ORDERS THAT:

[6] Reliance shall pay to National Energy \$25,000 in respect of costs for the Motion, inclusive of all applicable taxes, by August 27, 2014.

DATED at Ottawa, this 10th day of September, 2014

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

(s) Donald J. Rennie

COUNSEL

For the applicant:

The Commissioner of Competition

Jonathan Hood

For the respondent:

Reliance Comfort Limited Partnership

Robert S. Russell

Brendan Y.B. Wong

Denes A. Rothschild

For the intervenor:

National Energy Corporation

Adam Fanaki

Elisa Kearney

Derek D. Ricci