

Competition Tribunal File No: CT-2013-007

The Competition Tribunal

In the matter of an Application by Safa Enterprises Inc.

doing business as My Convenience Store

for an order pursuant to Section 103.1

of the Competition Act, RSC 1985 c. C-34, as amended

granting leave to bring an application pursuant to

Section 76 of the Competition Act

BETWEEN:

Safa Enterprises Inc.

Applicant

AND:

Imperial Tobacco Company Limited.

Respondent

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT	
CT-2013-007	
September 19, 2013	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 6

NOTICE OF APPLICATION

TAKE NOTICE THAT:

- 1) (a) The Applicant, Safa Enterprises Inc. ("SEI") is applying to the Competition Tribunal pursuant to Section 103.1 of the Competition Act, R.S.C. 1985, c. C-34, as amended (the "Act"), seeks an order under Section 76 of the Act, that the Respondent, Imperial Tobacco Company Limited ("ITCO") prohibit from continuing to discriminate SEI of the low pricing policy awarded to SEI's direct competitor (New Hasty Market "NHM") and accept SEI as a customer on the "same discounted trade terms as SEI's direct competitor NHM", forthwith upon issuance; or
- (b) Applicant SEI seeks and order from Tribunal direct Respondent ITCO to act according to the law and stop its discriminating policy and accept all the retailers across the board on similar trade terms unless the discounts awarded by the Respondent are volume discounts; and
- (c) Costs of the application; and

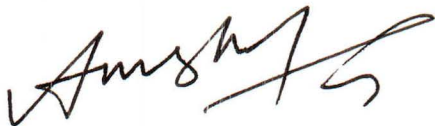
(d) Compensation for the loss incurred in past, present and future by SEI through loss of business, loss of profit and distress caused due to discriminating policy of Respondent towards Applicant in final or interim orders as Competition Tribunal deems just; and

(e) In the event Competition Tribunal rules in favor of the Applicant, the Applicant would seek an opinion from the Tribunal if the conduct of the Respondent was/is criminal in nature.

AND TAKE NOTICE THAT:

- 2) The Applicant will rely on the Statement of Grounds and Material Facts attached hereto and on the Affidavit of Adnan Mustafa, sworn **September 06, 2013**.
- 3) The person against whom an order is sought is the respondent. Its address is set out below.
- 4) SEI will seek an interim order from the Competition Tribunal for the relief sought in this Application and directions from the Competition Tribunal for the expeditious hearing of this application.
- 5) Applicant request that this application proceed in English.
- 6) Applicant request that application be heard in Vancouver, British Columbia.
- 7) The Applicant requests that documents be filed in electronic form.

Dated at Vancouver, British Columbia, this 6th day of **September, 2013**.



Adnan Mustafa

Manager

Safa Enterprises Inc.

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ADDRESS FOR SERVICE

TO: **Registrar**

The Competition Tribunal
Thomas D'Arcy McGee Building
90 Sparks Street, Suite 600
Ottawa, On
K1P 5B4

AND TO:

John Pecman
Interim Commissioner of Competition
50 Victoria Street
Gatineau, Quebec
K1A 0C9

AND TO:

Imperial Tobacco Company Limited
3711 Saint-Antoine Street
Montreal, Quebec
H4C 3P6
514-932-6161

The Applicant's Address for Service is as follows:

Safa Enterprises Inc.
450 West Hastings Street
Vancouver, BC
V6B 1L1
email: adnan.must@yahoo.ca