



Reference: *The Commissioner of Competition v. Reliance Comfort Limited Partnership*, 2013
Comp. Trib. 13
File No.: CT-2012-002
Registry Document No.: 0053

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.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Reliance Comfort Limited Partnership
(respondent)

and

National Energy Corporation
(applicant for leave to intervene)

Date of conference call: 20130911
Before Judicial Member: Rennie J. (Chairperson)
Date of Order: September 13, 2013
Order signed by: Justice Donald J. Rennie



**ORDER RELATING TO MATTERS CONSIDERED AT THE CONFERENCE CALL OF
SEPTEMBER 11, 2013**

[1] FURTHER TO the notice of application filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 79 of the *Competition Act*, R.S.C. 1985, c. C-34, in which he alleges that the Respondent Reliance Comfort Limited Partnership (“Reliance”) has abused and continues to abuse its dominant position in the supply of natural gas and electric water heaters and related services to residential consumers in certain local markets in Ontario;

[2] AND FURTHER TO the request for leave to intervene filed by National Energy Corporation (“National”), a company that supplies natural gas and electric water heaters for rental and related services to homeowners in Ontario and Quebec;

[3] AND FURTHER TO the discussion held with counsel for the parties and National during the teleconference of September 11, 2013;

[4] AND FURTHER TO the agreement of counsel to proceed with the cross-examination on the affidavit of Mr. Gord Potter filed in support of National’s request, on a date to be agreed upon;

THE TRIBUNAL ORDERS THAT:

[5] The request for leave to intervene by National will be heard on October 17, 2013, at 9:30 a.m. at 180 Queen Street West in Toronto. The Registry will provide the parties with the precise location of the hearing room once it has been assigned.

[6] Reliance shall serve and file any supplemental materials by the close of the Registry on Wednesday, October 9, 2013.

[7] National shall serve and file any reply materials by the close of the Registry on Tuesday, October 15, 2013.

DATED at Ottawa, this 13th day of September 2013.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Donald J. Rennie

APPEARANCES:

For the applicant:

The Commissioner of Competition

Parul Shah

For the respondent:

Reliance Comfort Limited Partnership

Robert S. Russell

Brendan Wong

Denes Rothschild

Jennifer Hefler

For the applicant for leave to intervene:

National Energy Corporation

Adam Fanaki