



Reference: *The Commissioner of Competition v. Reliance Comfort Limited Partnership*, 2013
Comp. Trib. 7

File No.: CT-2012-002

Registry Document No.: 32

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)



Decided on the basis of the written record.
Before Judicial Member: P. Crampton C.J.
Date of Order: March 19, 2013
Order signed by: Chief Justice Paul S. Crampton

**ORDER AMENDING BOTH THE REASONS FOR ORDER AND ORDER DISMISSING
RESPONDENT'S MOTION TO STRIKE NOTICE OF APPLICATION AND THE
ORDER REGARDING SCHEDULING**

[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 (the “Application”);

[2] AND FURTHER TO a motion filed by Reliance Comfort Limited Partnership (“Reliance”) on January 29, 2013 seeking, among other things, an order striking the Application (the “Motion”);

[3] AND FURTHER TO the Tribunal’s Reasons for Order and Order of March 12, 2013 on the Motion denying Reliance’s request for an order striking the Application, ordering Reliance to provide a response to the Application by March 28, 2013 and ordering the Commissioner to provide Reliance with additional information by March 19, 2013 (the “Order”);

[4] AND FURTHER TO the Tribunal’s Order Regarding Scheduling of March 14, 2013 directing that motions for leave to intervene in this matter be filed on or before April 8, 2013 (the “Scheduling Order”);

[5] AND UPON reviewing the correspondence filed by Reliance informing the Tribunal of its intention to file an appeal with the Federal Court of Appeal of the Order and to file a motion for a stay of the Order pending appeal;

[6] AND WHEREAS Reliance requests that the Tribunal extend the time for it to file a response to the Application until such time as the motion for a stay has been determined;

[7] AND WHEREAS the Commissioner does not take a position on Reliance’s request for an extension but asks that, should Reliance’s request be granted, his obligation to provide Reliance with additional information pursuant to the Order also be extended until Reliance’s motion for a stay has been determined.

THE TRIBUNAL ORDERS THAT:

[8] Paragraph 56 of the Order shall be amended to extend the time for the Commissioner to provide the information contemplated in that paragraph. Should the motion for a stay be denied, the Commissioner shall provide Reliance with the information no later than the end of the third full day following the issuance of the Federal Court of Appeal’s decision on the stay.

[9] Paragraph 57 of the Order shall be amended to further extend the period for Reliance to file its response to the Application. Should the motion for a stay be denied, Reliance shall serve and file its response no later than the end of the 10th full day following the issuance of the Federal Court of Appeal’s decision on the stay.

[10] Paragraph 7 of the Scheduling Order shall be amended to provide that motions for leave to intervene in this matter shall be filed with proof of service within 10 days after the end of the period for filing a response in accordance with Rule 42 of the *Competition Tribunal Rules*, SOR/2008-141.

DATED at Ottawa, this 19th day of March, 2013.

SIGNED on behalf of the Tribunal by Chief Justice Paul S. Crampton.

(s) Paul S. Crampton

COUNSEL:

For the applicant:

The Commissioner of Competition

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Josephine Palumbo
Parul Shah

For the respondent:

Reliance Comfort Limited Partnership

Robert S. Russell
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