

Competition Tribunal



Tribunal de la concurrence

Reference: *Commissioner of Competition v. Gestion Lebski inc.*, 2012 Comp. Trib. 23
File No.: CT-2005-007
Registry Document No.: 0118

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, and its amendments;

AND IN THE MATTER OF an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* in relation to the marketing practices of Gestion Finance Tamalia Inc. et al;

AND IN THE MATTER OF an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*.

BETWEEN

The Commissioner of Competition
(applicant)

and

Gestion Lebski inc.
La Société de Financement Vanoit inc.
Maigrissimo inc.
Gestion Finance Tamalia inc.
9083-8434 Québec inc.
Sylvain Leblanc
(respondents)



Decided on the basis of the written record
Judicial member: Mr. Justice Donald Rennie
Date of order: September 27, 2012
Order signed by: Mr. Justice Donald Rennie

PROVISIONAL GARNISHMENT ORDER (GARNISHEE: MINISTÈRE DE LA

JUSTICE DU QUÉBEC)

[1] UPON READING the written representations and the affidavit of Marina Sushko, paralegal at the FEDERAL Department of Justice, filed in support of the request of Her Majesty the Queen in Right of Canada (hereinafter “Her Majesty”) and the order made by this Tribunal in this case on September 8, 2006;

[2] WHEREAS under the terms of this order, which has the same value and the same effect as a judgment of the Federal Court, it has been certified that the judgment debtor, Gestion Finance Tamalia Inc., is indebted to Her Majesty for the sum of \$50,000 plus interest;

[3] WHEREAS the said amount of \$50,000 plus interest remains due and unpaid;

THE TRIBUNAL ORDERS THAT:

[4] Any amount owing or that will become owing by the garnishee to the judgment debtor and more particularly, but not limited to, the amounts held at the registry of the Quebec Superior Court as security for costs in case 500-09-020433-108 of the Quebec Court of Appeal held by the garnishee in the name and on behalf of the judgment debtor, Gestion Finance Tamalia Inc., be garnished in order to respond to the order made by this Tribunal against the judgment debtor.

[5] The garnishee must:

- (a) file with the Registry of this Tribunal located in the Thomas D'Arcy McGee Building, 90 Sparks Street, Suite 600, Ottawa, Ontario, K1P 5B4, BY no later than October 9, 2012, a sworn written declaration setting out all the amounts which it owes or might owe to the judgment debtor, at the latest on the same date, a certified copy of the said sworn declaration to counsel for the judgment creditor at the following address:

Mariève Sirois-Vaillancourt
Counsel for Her Majesty the Queen in Right of Canada
Department of Justice Canada
Guy-Favreau Complex
East Tower, 9th Floor
200, René-Lévesque Blvd. West
Montréal (Quebec) H2Z 1X4
Tel.: (514) 283-5553
Fax: (514) 283-3856

- (b) appear before this Tribunal, at the same address, on November 8, 2012, at 9:30 am, to explain the reasons that it may have to object to this Tribunal ordering it to remit the amounts that it owes or might owe to the judgment debtor, and more particularly, but not limited to, the amounts held at the registry of the Quebec Superior Court as security for costs in case 500-09-020433-108 of the Quebec Court of Appeal held by the garnishee in the name and on behalf of the judgment debtor, to Her Majesty, up to the amount of the debt confirmed by the order made by this Tribunal and the interest, namely, \$64,786.54.

[6] The garnishee must not divest of the said amounts before the Tribunal has decided on their destination.

[7] WHERE the garnishee fails to swear an oath, it could be sentenced to pay the debt in principal, interest and costs, including the costs of this motion;

DATED at Toronto, this 27th day of September 2012.

SIGNED on behalf of the Tribunal by the Chairperson

(s) Donald J. Rennie

COUNSEL

For the judgment creditor

Her Majesty the Queen in Right of Canada

Mariève Sirois-Vaillancourt