

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. The Toronto Real Estate Board*, 2011 Comp. Trib. 15

File No.: CT-2011-003

Registry Document No.: 59

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 rules, policies and agreements relating to residential multiple listing service of the Toronto Real Estate Board.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

The Toronto Real Estate Board
(respondent)



Date of conference call: 20111003

Before Judicial Member: Simpson J. (Chairperson)

Date of Order: October 3, 2011

Order signed by: Madam Justice Sandra J. Simpson

**ORDER RELATING TO MATTERS CONSIDERED AT THE CONFERENCE CALL OF
OCTOBER 3, 2011**

[1] **UPON** noting that, on September 15, 2011, Mr. Justice Phelan ordered that the response filed by the Toronto Real Estate Board (“TREB”) to Realty Sellers Real Estate Inc’s (“RS”) motion for leave to intervene (the “Response”) be treated as confidential until the resolution of the question of whether counsel for RS had a conflict;

[2] **AND UPON** being advised that RS has retained new counsel;

[3] **AND UPON** reviewing the letter from counsel for TREB dated September 30, 2011 and letters dated September 28, 2011 and September 30, 2011 from the new counsel for RS;

[4] **AND UPON** hearing the submissions of new counsel for RS and counsel for TREB in a teleconference today.

THE TRIBUNAL ORDERS THAT:

[5] The Response is no longer confidential

[6] The Response is to be served forthwith on counsel for RS and on counsel for the Canadian Real Estate Association (“CREA”).

[7] RS may serve and file a reply on or before Friday, October 14, 2011.

[8] Since this date is convenient for all counsel, the motions for leave to intervene filed by RS and by CREA will be heard in person on Tuesday, October 18th, 2011 at 10:00 am at 180 Queen Street West in Toronto. The Tribunal will provide the parties with the precise location of the hearing room once it has been assigned.

DATED at Ottawa, this 3rd day of October, 2011.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

COUNSEL:

For the applicant:

The Commissioner of Competition:

John F. Rook
Andrew D. Little
Roger Nassrallah

For the respondent:

The Toronto Real Estate Board

Donald S. Affleck
Renai E. Williams
Michael Binetti

For the proposed intervenor:

Realtysellers Real Estate Inc.

Chris Hersh