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CT- 2011-006

Chantal Fortin for / pour
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OTTAWA, ONT.

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COMPETITION TRIBUNAL

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 Used Car Dealers Association of Ontario for an Order pursuant to section 103.1 granting leave to make an application under sections 75 and 76 of the *Competition Act*.

BETWEEN:

USED CAR DEALERS ASSOCIATION OF ONTARIO

Applicant

- and -

INSURANCE BUREAU OF CANADA

Respondent


AFFIDAVIT OF ROBERT G. BEATTIE

**(sworn June 29, 2011 in support of the
motion pursuant to section 66 of the *Competition Tribunal Rules*)**

1. I, Robert G. Beattie, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY:
2. I am the Executive Director of the Used Car Dealers Association of Ontario ("UCDA"), the Applicant on this application, and have knowledge of the matters deposed to herein, unless stated to be on information and belief in which cases I state the source of such information and believe it to be true.
3. UCDA is a private non-profit member-based organization whose financial affairs are consistently kept private.

4. The information regarding the UCDA's net income and UCDA's sales and net income from its Auto Check™ business (the "**Confidential Information**") included in the confidential version of my affidavit dated June 29, 2011 and filed in connection with UCDA's application for an order pursuant to section 103.1 granting leave to make an application under sections 75 and 76 of the *Competition Act* is confidential to UCDA and is not normally disclosed by UCDA to third parties.
5. Disclosure of the Confidential Information would result in direct harm to UCDA because this information is commercially and competitively sensitive. UCDA's competitors, 3823202 Canada Inc., carrying on business as CarProof, and CARFAX Inc. (both of which are described more fully in the application referred to above) are participants in the market for vehicle accident searches which is described in the application, and CarProof is involved in activities which are relevant to the application. Access to UCDA's detailed financial information could allow either or both of these competitors to obtain competitive advantages in the marketplace, potentially resulting in harm to UCDA's competitive position and to the purchasers of vehicle accident searches.
6. I make this Affidavit in support of the confidentiality order requested in this Motion.

SWORN BEFORE ME at the City of
Toronto, on June 29, 2011.


A Commissioner for Taking Affidavits

JAMES F. HAMILTON
BARRISTER & SOLICITOR


Robert G. Beattie

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The document that is being electronically submitted to the Tribunal is an electronic version of a paper document that has been signed by the affiant. The signed document in paper copy is available and will be produced if requested by the Tribunal.