

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v. The Canadian Real Estate Association*, 2010
Comp. Trib. 13

File No.: CT-2010-002

Registry Document No.: 0066

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, regulations and policies of the Canadian Real Estate
Association.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

The Canadian Real Estate Association
(respondent)

and

National FSBO Network Inc.
(intervenor)

Date of case management conference: 20100714
Before Judicial Member: Simpson J. (Chairperson)
Date of Order: July 16, 2010
Order signed by: Madam Justice S. J. Simpson



**SCHEDULING ORDER SETTING A DATE FOR THE HEARING OF THE MAIN
APPLICATION**

[1] **FURTHER TO** the application filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 79 of the *Competition Act*, R.S.C. 1985, c. C-34;

[2] **AND FURTHER TO** the discussion held with counsel for the Commissioner and for the respondent, the Canadian Real Estate Association (“CREA”), during the case management conference in Toronto on July 14, 2010, about the timetable for the disposition of the application;

[3] **AND FURTHER TO** the request made by counsel for more time to reach an agreement on the timing of certain pre-hearing steps including the deadlines for the hearing of motions;

[4] **AND WHEREAS** CREA has requested additional time to prepare its affidavit of documents;

[5] **AND WHEREAS** CREA’s request should be granted given, in particular, the number of relevant documents in CREA’s possession, the Commissioner’s request that CREA provide a detailed description of the subcategories of CREA’s privileged documents, and the discussion during the case management conference about the duration of the case to be met;

NOW THEREFORE THE TRIBUNAL ORDERS THAT:

[6] The hearing of the section 79 application will commence at 10:00 a.m. on Tuesday, April 26, 2011, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa. These hearing dates are firm.

[7] The schedule for this hearing shall be as follows:

Tuesday, April 26, 2011 - Friday, April 29, 2011	First week of hearing (4 days)
Monday, May 2, 2011- Thursday, May 5, 2011	Second week of hearing (4 days)
Monday, May 9, 2011- Thursday, May 12, 2011	Third week of hearing (4 days)
Monday, May 16, 2011- Thursday, May 19, 2011	Fourth week of hearing (4 days)
Tuesday, May 24, 2011- Friday, May 27, 2011	Fifth week of hearing (4 days)
Monday, May 30, 2011- Thursday, June 2, 2011	Sixth week of hearing (4 days)

Monday, June 13, 2011-
Thursday, June 16, 2011

Argument (4 days)

[8] The schedule for the pre-hearing steps shall be as follows:

Thursday, September 30, 2010

CREA shall provide partial production by serving some of its documents on the Commissioner

Friday, October 29, 2010

CREA shall serve on the Commissioner its affidavit of documents and the balance of its productions

The Commissioner shall serve on CREA her affidavit of documents and productions

[9] The Commissioner and CREA shall attempt to agree on the timing of the other pre-hearing steps and shall notify the Tribunal Registry when an agreement is reached. If no agreement can be reached, the Tribunal will schedule a case management conference, as it will more particularly direct.

DATED at Ottawa, this 16th day of July, 2010.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

APPEARANCES

For the applicant:

The Commissioner of Competition

John F. Rook

Jonathan Bell

Roger Nassrallah

For the respondent:

The Canadian Real Estate Association

Katherine L. Kay

Danielle K. Royal