

FILED / PRODUIT

Date: April 27, 2010

CT- 2010-002

Chantal Fortin for / pour
REGISTRAR / REGISTRAIRE

2010-002

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 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.

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

AND

THE CANADIAN REAL ESTATE ASSOCIATION

Respondent

**REPLY TO RESPONSE BY CANADIAN REAL ESTATE ASSOCIATION TO
MOTION FOR LEAVE TO INTERVENE BY THE NATIONAL FSBO
NETWORK INC.**

1. The National FSBO Network Inc. (NFN) submits this reply to the response by the Canadian Real Estate Association (CREA) to the NFN Motion to Intervene in this Application.

CREA's Response, para. 9

2. The NFN welcomes the support of the CREA for its Motion to Intervene, but submits that the condition attached, that the CREA be given "the right to documentary and oral discovery of the NFN", is not consistent with the role that the NFN would play in the proceedings and likely to lead only to delaying the progress of this application.

CREA's Response, para. 8

3. The NFN submits that in its response, the CREA accepts that the role that the NFN has requested to play in the proceedings would be limited to the following: "NFN seeks permission to 'submit written evidence to the Tribunal in regard to the role of FSBO businesses in the Canadian real estate market, the services provided, the fees for such services and further information in regard to market share.'"

4. The NFN further submits that the written evidence it would provide on "the role of FSBO businesses in the Canadian real estate market" would be compiled by the NFN from publicly available data, that the Vice-President Operations at NFN would answer any questions on the content of the submission if required to do so by the tribunal and thus, "documentary and oral discovery of the NFN" by the CREA should not be made a condition for the granting of leave to intervene by the NFN.

5. The NFN submits that an oral hearing is unnecessary to deal with this motion.

DATED at Ottawa, Ontario, this 26th day of April, 2010.

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