

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 OF COMMISSIONER OF COMPETITION 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 Commissioner of Competition to the NFN Motion to Intervene in this Application.

Commissioner's Response, para. 6
Notice of Application para. 2

2. The NFN submits that the position the Commissioner continues to take that "while other options exist for marketing a home for sale, such as newspaper advertising, they are not adequate substitutes for an MLS listing" ignores the effective marketing services provided for Canadian home owners by FSBO businesses and may be perceived to reflect negatively on the role now played by such businesses.

Commissioner's Response, para. 10

3. The NFN further submits that from a public perspective, to exclude evidence regarding one part of the Canadian real estate market from the Tribunal because it is "not the relevant product market in these proceedings", could appear to be unduly legalistic and inconsistent with the principles under which administrative tribunals operate. The written evidence the NFN proposes to present to the Tribunal would assist the Tribunal in situating the issue being addressed by the Commissioner in the broader Canadian real estate market.

Motion for leave to Intervene, para. 6

4. The NFN submits that the granting of its request will not delay the hearing process, since it does not seek discovery of documents, nor to participate in the hearing in any way other than "to be permitted 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."

Commissioner's Response, para. 17

5. The NFN agrees with the position taken by the Commissioner that "there should be no order granting discovery by or of the NFN".

Commissioner's Response, para. 1

6. The NFN agrees with the submission by the Commissioner that "an oral hearing is unnecessary on this motion for intervention".

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

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