

**AFFIDAVIT OF STEPHEN JOHN SKELLY, Q.C.**

**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**

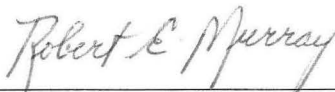
COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
<b>FILED / PRODUIT</b>	
Date: April 6, 2010	
<b>CT- 2010-002</b>	
Chantal Fortin for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT.	# 18

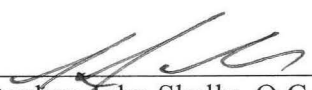
## AFFIDAVIT OF STEPHEN JOHN SKELLY, Q.C.

I, Stephen John Skelly, of the City of Ottawa, in the Province of Ontario, **SWEAR THAT:**

1. I am a Barrister and Solicitor called to the Bar of Manitoba (no longer in active practice), that I am Vice-President Operations of the National FSBO Network Inc. ("NFN") and as such have knowledge of the matters hereinafter described.
2. I swear this affidavit in support of a motion for leave to intervene on behalf of the NFN before the Competition Tribunal in the matter of the 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. (Tribunal File 2010-002)
3. The NFN is incorporated under the *Canada Corporations Act*.
4. The head office of the NFN is at 20 Whitestone Drive, Ottawa, ON, K2C 4A7.
5. The NFN was incorporated in 2009 to fill a void within the 'for sale by owner' (FSBO) market, by creating a national listing network for FSBO businesses, which would be equivalent to and would compliment the Canadian Real Estate Association's MLS. Such a network would enables FSBO businesses, to showcase their segment of the real estate market across Canada and give prospective purchasers a single portal through which all such FSBO properties can be accessed.
6. The NFN believes that it is important that the Tribunal be provided with an understanding of the role played by FSBO businesses in the Canadian real estate market before making a decision on the Commissioner's application. It is my opinion that the NFN is in a unique position to do this. It is offering an "MLS" type service for FSBO businesses across Canada and therefore had a good knowledge of the services that FSBO businesses provide.

Sworn before me in the City  
of Ottawa this 5<sup>th</sup> day  
of April, 2010

  
\_\_\_\_\_  
A Commissioner in and for  
the Province of Ontario

  
\_\_\_\_\_  
Stephen John Skelly, Q.C.  
Vice-President Operations  
National FSBO Network Inc.