

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Premier Career Management Group et al.*, 2007  
Comp. Trib. 24  
File No.: CT-2007-006  
Registry Document No.: 0025

IN THE MATTER of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER of an inquiry pursuant to subparagraph 10(1)(b) (ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

AND IN THE MATTER of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*.

B E T W E E N :

**The Commissioner of Competition**  
(applicant)

and

**Premier Career Management Group Corp. and  
Minto Roy**  
(respondents)



Decided on the basis of the written record.  
Presiding Judicial Member: Simpson J.  
Date of Order: July 31, 2007  
Order signed by: Madam Justice Sandra J. Simpson.

**ORDER IN RESPONSE TO THE APPLICANT'S REQUEST FOR DIRECTIONS  
REGARDING ITS MOTION FOR AN ORDER IN DEFAULT**

[1] FURTHER TO the Notice of Application filed by the Commissioner of Competition (the “Applicant”) on May 8, 2007, for an order under section 74.1 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Act”);

[2] AND FURTHER TO the Notice of Motion for an Order in Default of Response filed by the Applicant on July 23, 2007, in which she seeks:

(i) an order that the motion for an order in default be heard *ex parte* pursuant to Rule 72(1) of the *Competition Tribunal Rules*, SOR/94-290 (the “Rules”) and Rule 210 of the *Federal Courts Rules*, SOR/98-106 ;

(ii) directions about the evidence the Tribunal wants to receive concerning the merits of the Application and about the form in which such evidence must be presented to the Tribunal;

(iii) following the hearing of the evidence, an order against the Respondents in default;

[3] AND WHEREAS subsection 7(1) of the Rules, unlike Rule 210(2) of the *Federal Courts Rules*, does not provide that a motion for an order in default may be brought *ex parte*;

[4] AND WHEREAS subsection 7(2) of the Rules provides that the Tribunal, on a motion for an order in default, may hear such evidence as it requires;

**NOW THEREFORE THE TRIBUNAL ORDERS THAT:**

[5] The Applicant’s request that the motion be heard *ex parte* is denied.

[6] The Applicant is to prepare a revised motion record containing submissions and affidavit evidence showing (1) that the Respondents failed to serve and file a response; and (2) that paragraph 74.01(1)(a) of the Act has been breached by the Respondents’ representations to the public and that the remedy sought is appropriate.

[7] The revised motion record is to be served and filed by the Applicant on or before, Friday, September 14, 2007. The Applicant is to personally serve the Respondent Minto Roy with the revised motion record or leave the revised motion record with an adult at Mr. Roy’s place of residence and send it to Mr. Roy at that address by registered mail. The Applicant is to send the revised motion record to the Respondent Premier Career Management Group Corporation by registered mail.

**[8]** The Respondents shall, within 20 days after being served with the revised motion record, serve and file a responding motion record, failing which the motion for a default order will proceed without further notice.

DATED at Ottawa, this 31<sup>st</sup> day of July, 2007.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

**COUNSEL:**

For the applicant:

The Commissioner of Competition

Stéphane Lilkoff

For the respondents:

Premier Career Management Group Corp. and Minto Roy

Not represented.