

THE COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under 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*;

BETWEEN:

THE COMMISSIONER OF COMPETITION,

Applicant,

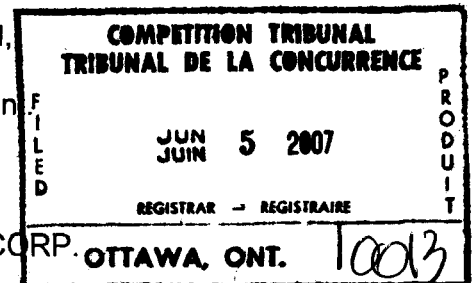
and

PREMIER CAREER MANAGEMENT GROUP CORP.

and

MINTO ROY,

Respondents.



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WRITTEN REPRESENTATIONS

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- 1) On May 8, 2007, as it appears from the Tribunal's file, the Applicant filed a Notice of Application against the Respondents;
- 2) Pursuant to rule 4.1(1) of the *Competition Tribunal Rules* and at the latest on May 22, 2007, the Applicant had to serve the Applicant's Disclosure Statement with the Respondents;

- 3) On May 22, 2007, the 14<sup>th</sup> day following the Notice of Application, the Applicant served Premier Career Management Group with the Applicant's Disclosure Statement by leaving a copy with one of its officers, in conformity with rule 54(1)(a) of the *Competition Tribunal Rules*;

Affidavit of service of Lawrence McManus, Tab 2, paragraph 1.

- 4) On the same day, the Applicant unsuccessfully attempted to serve Minto Roy with the Applicant's Disclosure Statement at his place of work and at his residence;

Affidavit of service of Lawrence McManus, Tab 3, paragraphs 1(a) and 1(b).

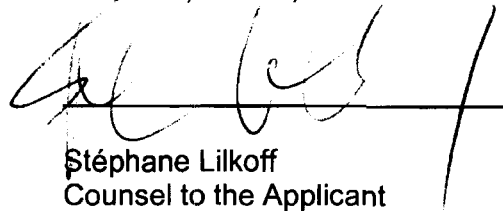
- 5) On May 23, 2007, the 15<sup>th</sup> day following the Notice of Application, the Applicant served Minto Roy with the Applicant's Disclosure Statement by leaving a copy of the document at his residence, in conformity with rule 54(1)(b) of the *Competition Tribunal Rules*;

Affidavit of service of Lawrence McManus, Tab 3, paragraph 1 (c) and 1(d).

- 6) Pursuant to rule 4.1 of the *Competition Tribunal Rules*, the Applicant had to serve the Applicant's Disclosure Statement within 14 days following the Notice of Application;
- 7) The 14<sup>th</sup> day following the Notice of Application was May 22, 2007;
- 8) Hence, because it was served on May 23, 2007, the Applicant's Disclosure Statement was serve one day late on Minto Roy;
- 9) With respect to this one day delay in the service of the Applicant's Disclosure Statement, the Applicant submits as follows:
  - a) Minto Roy was served with the Applicant's Disclosure Statement just one day late;
  - b) The next step after the service of the Applicant's Disclosure Statement will be the filing of Minto Roy's response;
  - c) Rule 5(2) of the *Competition Tribunal Rules* provides that the 45 days delay for the filing of this response starts after the service of the Applicant's Disclosure Statement;

- d) Hence, the one day delay for the service of the Applicant's Disclosure Statement is not affecting Minto Roy's right to have a full period of 45 days to file his response;
  - e) Rule 68 (1) of the *Competition Tribunal Rules* provides that the Tribunal may by order extend a time limit prescribed by the rules;
  - f) The Applicant is seeking the present order because rule 68(3) of the *Competition Tribunal Rules* prescribes that time limits provided in the rules shall not be modified other than by order of the Tribunal.
- 10) For these reasons, the Applicant requests that this Tribunal extends by one day the delay provided at rule 4.1 of the *Competition Tribunal Rules* and declares that the Applicant's Disclosure Statement has been properly served on Minto Roy;
- 11) A draft order is attached at Tab 5 of the Motion Record.

Gatineau, June 4, 2007



Stéphane Lilkoff  
Counsel to the Applicant