



Reference: *The Commissioner of Competition v. The Dosco Group Inc., Fabutan Corporation, Fabutan Studios and Douglas Scott McNabb, President, c.o.b. as Fabutan Sun Tan Studios*, 2005 Comp. Trib. 43
File no.: CT-2005-003
Registry document no.: 0018

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

AND IN THE MATTER OF an inquiry pursuant to subsection 10(1)(b)(ii) of the *Competition Act* relating to the marketing practices of The Dosco Group Inc., Fabutan Corporation, Fabutan Studios and Douglas Scott McNabb, President, carrying on business as Fabutan Sun Tan Studios;

AND IN THE MATTER OF an application by the Commissioner of Competition for an order pursuant to section 74.01 of the *Competition Act*.

BETWEEN

The Commissioner of Competition
(applicant)

And

**The Dosco Group Inc., Fabutan Corporation
Fabutan Studios and Douglas Scott McNabb,
carrying on business as Fabutan Sun Tan Studios**
(respondents)

Date of hearing: 20051125
Presiding Judicial Member: Dawson J.
Date of Order: November 25, 2005
Order signed by: Madam Justice Eleanor Dawson



ORDER DISMISSING MOTION FOR LEAVE TO BE REPRESENTED BY AN OFFICER

[1] UPON the motion by the corporate Respondents, The Dosco Group Inc., Fabutan Corporation and Fabutan Studios, for leave to be represented by the director of each corporation, Douglas McNabb, rather than a solicitor, in these proceedings;

[2] AND UPON reading the notice of motion and the affidavit of Douglas McNabb sworn on November 14,2005, filed in support of this motion, and the written submissions filed on behalf of the Commissioner of Competition;

[3] AND UPON hearing the submissions made on behalf of the corporate Respondents and the Commissioner of Competition;

[4] AND UPON determining, for reasons to follow, that leave should not be granted to the corporate Respondents to be represented by an officer rather than a solicitor.

THE TRIBUNAL ORDERS THAT :

[5] The motion for leave to be represented by an officer made by the corporate Respondents pursuant to section 120 of the *Federal Court* Rules is dismissed without costs;

[6] The pre-hearing management conference regarding these proceedings initially scheduled for November 25,2005, will be held on December 9, 2005, at 2 p.m. (Ottawa time).

DATED at Ottawa, this 25th day of November, 2005.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Eleanor R. Dawson

APPEARANCES:

For the applicant:

The Commissioner of Competition

J. Sanderson Graham

For the respondents:

The Dosco Group Inc.

Fabutan Corporation

Fabutan Studios

Douglas McNabb