



Reference: *Burns Lake Native Development Corporation et al. v. Commissioner of Competition and West Fraser Timber Co. Ltd. et al.* 2005 Comp. Trib. 29

File No. CT2004-013

Registry Document No.: 0039

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

AND IN THE MATTER OF the acquisition by West Fraser Timber Co. Ltd. of Weldwood of Canada Limited;

AND IN THE MATTER OF an application under Section 106(2) of the *Competition Act* by Burns Lake Native Development Corporation, Lake Babine Nation, Burns Lake Band, Nee Tahí Buhn Indian Band to rescind or vary the Consent Agreement between the Commissioner of Competition and West Fraser Timber Co. Ltd. and West Fraser Mills Ltd. filed and registered with the Competition Tribunal on December 7, 2004, under s. 105 of the *Competition Act*;

AND IN THE MATTER OF the Reference of the Commissioner of Competition filed April 4, 2005.

B E T W E E N:

Burns Lake Native Development Corporation, Council of Lake Babine Nation and Emma Palmantier, on her own behalf and on behalf of all members of Lake Babine Nation, Council of Burns Lake Band and Robert Charlie, on his own behalf and on behalf of all Members of Burns Lake Band and Council of Nee Tahí Buhn Indian Band and Ray Morris, on his own behalf and on behalf of all Members of Nee Tahí Buhn Indian Band
(applicants)

and

The Commissioner of Competition, West Fraser Timber Co. Ltd. and West Fraser Mills Ltd.
(respondents)

Decided on the basis of the written record.

Member: Simpson J. (Chairperson)

Date of Order: September 9, 2005

Order signed by: Simpson J.

**AMENDED SCHEDULING ORDER FOR THE HEARING OF
THE COMMISSIONER'S REFERENCE**



[1] FURTHER TO the Scheduling Order issued by the Tribunal on August 23, 2005; and

[2] FURTHER TO the letter filed September 7, 2005, with the Tribunal by counsel for the Applicants; and

[3] FURTHER TO the parties having agreed to enter into discussions to explore the possibility of a consensual resolution of this matter; and

[4] FURTHER TO all the parties agreeing to an adjournment of the schedule set by the Tribunal in its Scheduling Order of August 23, 2005;

[5] THE TRIBUNAL ORDERS THAT:

- (i) The hearing of the reference be adjourned to on or about the week of January 16, 2006;
- (ii) The Commissioner's revised Memorandum of Argument, if any, be served and filed on or before Wednesday, November 23, 2005;
- (iii) West Fraser's Memorandum of Argument, if any, be served and filed on or before Wednesday, November 23, 2005;
- (iv) Burn's Lake Native Development Corporation's Memorandum of Argument in response, if any, be served and filed on or before Wednesday, December 7, 2005;
- (v) The Commissioner's Reply, if any, and West Fraser's Reply, if any, be served and filed on or before Wednesday, December 14, 2005.

DATED at Ottawa, this 9th day of September, 2005.

SIGNED on behalf of the Tribunal by the Chairperson of the Tribunal.

(s) Sandra J. Simpson

COUNSEL:

For the applicants:

Burns Lake Native Development Corp. et al.

Mr. Dany Assaf

Mr. Michael Brown

Mr. Orestes Pasparakis

For the respondents:

Commissioner of Competition

Mr. Duane Schippers

Mr. Derek Bell

West Fraser Timber Co. Ltd.

Mr. James Musgrove

Mr. Larry Hughes