

OFFICIAL ENGLISH TRANSLATION

Citation: *Commissioner of Competition v RONA INC.*, 2005 Comp Trib 8  
File No: CT-2003-007  
Registry Document No: 104

**IN THE MATTER OF** the *Competition Act*, RSC 1985, c C-34, and its amendments;

**AND IN THE MATTER OF** the acquisition of Réno-Dépôt Inc. by RONA Inc.;

**AND IN THE MATTER OF** an application to vary a consent agreement under subsection 106(1) of the *Competition Act*.

**BETWEEN:**

**THE COMMISSIONER OF COMPETITION**  
(moving party)

and

**RONA INC.**  
(responding party)

and

**ERNST & YOUNG ORENDA CORPORATE FINANCE INC.**  
(third party)

Date of hearing by conference call: March 1, 2005  
Before: Blais J. (Chairperson)  
Date of order: March 2, 2005  
Order signed by: Mr. Justice Blais

**ORDER TO SCHEDULE THE MOTION  
FILED BY THE COMMISSIONER OF COMPETITION ON MARCH 1, 2005, AND THE  
MOTION TO BE FILED BY RONA TO STRIKE THE COMMISSIONER'S RESPONSE  
FILED ON FEBRUARY 25, 2005**

[1] FURTHER TO the notice of motion filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 3 of the *Competition Act*, RSC 1985, c C-34, subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp.), section 74 of the *Competition Tribunal Rules*, SOR/94-290, and Rules 3 and 57 of the *Federal Courts Rules*, 1998, SOR/98-106, seeking:

(a) that the Commissioner’s response to the trustee’s motion filed on January 28, 2005, for approval of the sale be deemed to be the motion for approval of the sale; and

(b) that the trustee’s motion filed on January 28, 2005, for approval of the sale be deemed to be the trustee’s response to the Commissioner’s motion;

[2] FURTHER TO Rona’s intention, as established by its counsel in a letter dated February 28, 2005, signed by Martha Healey, and confirmed during the conference call of March 1, 2005, to file a motion to strike out certain paragraphs of the Commissioner’s response to Rona’s section 106 application;

[3] AND WHEREAS the parties, through their respective counsel, have agreed that both motions be filed on Monday, March 7, 2005, and that the Tribunal issue this order;

THE TRIBUNAL ORDERS THAT:

[4] On Wednesday, March 2, 2005, at 5:00 p.m., the Commissioner will file and serve the motion to convert *de bene esse* the trustee’s motion dated January 28, 2005.

[5] Rona will file and serve a response to that motion by no later than Friday, March 4, at 2:00 p.m.

[6] Rona will file and serve the motion to strike out certain paragraphs of the Commissioner’s response to Rona’s application under section 106 of the Act by no later than Thursday, March 3, at 2:00 p.m.

[7] The Commissioner will file and serve her response to that motion by no later than Friday, March 4, at 4:00 p.m.

[8] Both motions will be heard by the Competition Tribunal by conference call on Monday, March 7, at noon, with Mr. Justice Pierre Blais presiding.

[9] For the purposes of the hearing of Rona’s application filed on January 10, 2005, pursuant to section 106 of the Act and the hearing, if necessary, of the Commissioner’s motion reprising the trustee’s motion dated January 28, 2005, the schedule will be as follows:

- Pre-hearing conference at the Competition Tribunal in Ottawa: March 22, 2005
- Exchange of witness names and contact information: March 29, 2005

- Hearing of the section 106 application: April 4, 2005
- Hearing of the Commissioner's motion reprising the trustee's motion (subject to the decision to be rendered following the March 7, 2005, hearing of the Commissioner's *de esse bene* motion): April 4, 2005
- Although the length of the hearing commencing on April 4, 2005, has not yet been firmly established, the following days have already been reserved: April 4, 5, 6, 7, 8, 11, 12, 13, 14 and 15, 2005.
- The hearing will take place at the Competition Tribunal in Ottawa beginning on April 4, 2005.

Dated at Montreal, this 2nd day of March 2005.

Signed on behalf of the Tribunal by the presiding judicial member

Pierre Blais

Certified true translation  
Johanna Kratz

REPRESENTATIVES:

For the moving party:

Commissioner of Competition

Diane Pelletier

André Brantz

For the responding party:

RONA

William McNamara

Eric Lefebvre

Martha Healey

For the third party:

Ernst & Young Orenda Corporate Finance Inc.

Louis-Martin O'Neill