

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c.C-34, as amended; and ss. 3 and 49 of the *Competition Tribunal Rules*, Can. Reg. SOR/94-290;

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*.

BETWEEN:

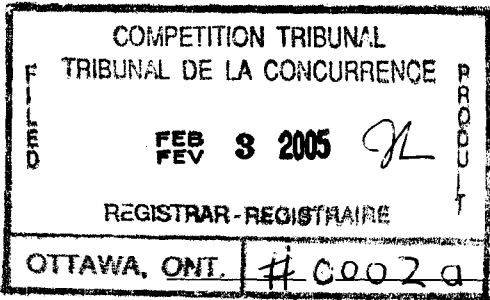
BURNS LAKE NATIVE DEVELOPMENT CORPORATION, COUNCIL OF LAKE BABINE NATION AND EMMA PALMANTIER, ON HER OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF LAKE BABINE NATION, COUNCIL OF BURNS LAKE BAND AND ROBERT CHARLIE, ON HIS OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF BURNS LAKE BAND and COUNCIL OF NEE TAHI BUHN INDIAN BAND AND RAY MORRIS, ON HIS OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF NEE TAHI BUHN INDIAN BAND

Applicants

- and -

COMMISSIONER OF COMPETITION

Respondent



NOTICE OF APPLICATION

OGILVY RENAULT

Barristers & Solicitors
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Royal Bank Plaza, South Tower
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Solicitors for the Applicants

TAKE NOTICE THAT the Applicants will make an application to the Competition Tribunal pursuant to Section 106(2) of the *Competition Act* (the "Act") for:

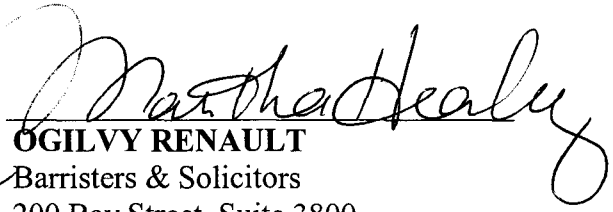
- (a) an Order rescinding the Consent Agreement between the Commissioner of Competition and West Fraser Timber Co. Ltd. and West Fraser Mills Ltd. filed and registered with the Competition Tribunal pursuant to Section 105 of the Act on December 7, 2004 ("Consent Agreement") and in particular the divestitures and related terms contemplated therein;
- (b) in the alternative, an Order varying the terms of the Consent Agreement so as to incorporate terms to recognize the Applicants' rights and interests;
- (c) an Order staying the Consent Agreement pending the determination of the within Application;
- (d) in the alternative to (c), an expedited hearing of the within Application; and
- (e) such further and other final or interim orders as the Tribunal deems just.

AND TAKE NOTICE THAT the Applicants will rely on the grounds set out in the Statement of Grounds and Material Facts attached as Schedule "A" hereto and such further and other grounds and material facts as counsel may advise and the Tribunal may permit.

AND TAKE NOTICE THAT if you do not file a Response to the within Application with the Registrar of the Tribunal within 30 days of the date of service hereof, the Tribunal may, without further notice to you, make such orders as it deems appropriate.

AND TAKE NOTICE THAT the Applicants propose that the within Application be heard in English language at Ottawa, Ontario.

DATED AT Toronto, this 3rd day of February, 2005.


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Solicitors for the Applicants

TO: **Competition Tribunal**
90 Sparks Street, Suite 600
Ottawa, Ontario K1P 5B4

AND TO: **Commissioner of Competition**
Place du Portage, Phase 1
50 Victoria Street, 21st Floor
Gatineau, Quebec K1A 0C9

WITH A COPY TO: **West Fraser Timber Co. Ltd.**
and West Fraser Mills Ltd.
c/o Mr. James Musgrove
Lang Michener LLP
BCE Place, P.O. Box 747
Suite 2500, 181 Bay Street
Toronto, Ontario M5J 2T7

and

Mr. Larry S. Hughes
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