

Competition Tribunal



Tribunal de la Concurrence

Reference: *Robinson Motorcycle Limited. v. Fred Deeley Imports Ltd.*, 2004 Comp. Trib. 30
File no.: CT2004007
Registry document no.:0014

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

AND IN THE MATTER OF an application by Robinson Motorcycle Limited (“Robinson”) for an order pursuant to section 103.1 of the *Competition Act*, R.S.C. 1985, c. C-34, granting leave to bring an application under section 75 of the Act;

B E T W E E N:

Robinson Motorcycle Limited
(applicant)

and

Fred Deeley Imports Ltd.
(respondent)

Decided on the basis of the written record.
Presiding Member: Simpson J. (Chairperson)
Date of order: December 7, 2004



CONSENT ORDER

[1] UPON the motion of both parties for a consent order;

[2] AND UPON reading the consent of the parties, filed;

THE TRIBUNAL ORDERS THAT:

[3] Until the Tribunal makes its decision on the merits of the application brought by Robinson Motorcycle Ltd. (“Robinson”) pursuant to section 75 of the *Competition Act*, R.S.C. 1985, c. C-34:

- (a) Fred Deeley Imports Ltd. is to supply Robinson with non-seasonal General Merchandise and parts (the “Supply”); and
- (b) the Supply is to be governed by the terms of the Retailer Agreement between the parties dated as of June 14, 1999, which is hereby reinstated as amended by the Tribunal to delete:
 - (i) paragraph B1 and 4;
 - (ii) paragraph C1, 2 and 4;
 - (iii) paragraph D3(i);
 - (iv) paragraph F3;
 - (v) paragraph J;
 - (vi) paragraphs (I), 1(iv) and (ix);
 - (vii) Schedule A; and
 - (viii) Schedule B.

DATED at Ottawa this 7th day of December 2004.

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

(s) Sandra J. Simpson

REPRESENTATIVES

For the applicant:

Robinson Motorcycle Limited

Myron W. Shulgan, *Q.C.*
Kristina Savi-Mascaro

For the respondent:

Fred Deeley Imports Ltd.

R. Seumas M. Woods
Christopher Hersh
Matthew Horner