

Competition Tribunal



Tribunal de la Concurrence

PUBLIC VERSION

Citation: *Commissioner of Competition v. RONA INC.*, 2004 Comp. Trib. 26

File no.: CT-2003/007

Registry document no.: 005c

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

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

AND IN THE MATTER OF the motion for amendment of the consent pursuant to subsection 106(1) of the *Competition Act*.

BETWEEN:

COMMISSIONER OF COMPETITION
(Applicant)

and

RONA INC.
(Respondent)



Decided on the basis of the written record.

Member: Lemieux J.

Date of order: October 4, 2004

Order signed by: Lemieux J.

**ORDER AMENDING THE REGISTERED CONSENT DATED SEPTEMBER 4, 2003, IN
RELATION TO THE TRANSACTION BETWEEN RÉNO-DÉPÔT INC. AND
RONA INC.**

[1] Further to the application by the Commissioner of Competition (the “Commissioner”) pursuant to subsection 106(1) of the *Competition Act*, R.S.C. 1985 c. C-34, as amended (the “Act”), for an order amending the Consent Agreement concluded between the Commissioner and RONA Inc. (“Rona”) in relation to the transaction for the acquisition of Réno-Dépôt Inc. by Rona, registered on September 4, 2003, pursuant to section 105 of the Act (the “Consent Agreement”);

[2] On considering that the Commissioner and Rona consent to the amendments to be made to the Consent Agreement in order to extend the period within which the trustee can achieve the sale by trustee;

[3] On considering subsection 106(1) of the Act which provides that a consent agreement can only be amended by an order of the Competition Tribunal (the “Tribunal”);

[4] And on considering that the parties, through their respective counsel, consented to this application for amendment and to the making of this order by the Tribunal;

[5] Being satisfied that this order should be made in this case;

THE TRIBUNAL ORDERS AS FOLLOWS:

[6] The Consent is amended by replacing paragraph 5(e) with the following:

- (a) The trustee shall use reasonable best efforts to achieve the sale by trustee before [CONFIDENTIAL]. However, if, prior to the expiry of this period, the trustee has received from a prospective buyer a formal offer or other written expression of intention to purchase the Sherbrooke Business, which the trustee has accepted, the time for effecting the Divestiture shall be extended by a period that is reasonable in the circumstances (ending no later than [CONFIDENTIAL]) within which time the Divestiture shall be completed.

[7] The other terms of the Consent Amendment remain unchanged.

DATED at Ottawa, the 4th day of October 2004.

SIGNED on behalf of the Tribunal by the judicial member.

(s) François Lemieux

APPEARANCES

For the applicant:

The Commissioner of Competition

André Brantz
Duane Schippers

For the respondent:

RONA Inc.

Denis Gascon