

Competition Tribunal



Tribunal de la Concurrence

Reference: *Robinson Motorcycle Limited. v. Fred Deeley Imports Ltd.*, 2004 Comp. Trib. 13  
File no.: CT2004007  
Registry document no.:0006

IN THE MATTER OF an application by Robinson Motorcycle Limited 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: July 16, 2004



**ORDER GRANTING LEAVE**

[1] **FURTHER TO** an application for leave pursuant to subsection 103.1(1) of the *Competition Act*, R.S.C. 1985, c. C-34 (the “Act”) to make an application under section 75 of the Act;

[2] **AND FURTHER TO** the certification by Commissioner of Competition pursuant to subsection 103.1(3) of the Act;

[3] **AND FURTHER TO** the response filed by Fred Deeley Imports Ltd. on July 9, 2004;

[4] **AND UPON REVIEWING** the materials filed by both parties;

[5] **AND UPON DETERMINING** that the applicant has met the requirements set out in subsection 103.1(7) of the Act;

- (a) the Competition Tribunal could conclude that Robinson is precluded from carrying on business following the termination of its longstanding arrangement as an exclusive Harley-Davidson dealer;
- (b) the Competition Tribunal could conclude that the respondent is the sole supplier of Harley Davidson motorcycles and related products;
- (c) the Competition Tribunal could conclude that Robinson is willing and able to meet the respondent’s usual terms;
- (d) the Competition Tribunal could conclude that Harley-Davidson motorcycles and related products are in ample supply and;
- (e) the Competition Tribunal could conclude (i) that the counties of Essex and Kent constitute the geographic market, (ii) that Harley-Davidson motorcycles related products and service constitute one or more product markets and (iii) that the elimination of Robinson, which as an exclusive dealer is the only full line competitor for the exclusive distributor in Windsor, Ontario, could have an adverse effect on competition.

**THE TRIBUNAL ORDERS THAT:**

[6] This application for leave is granted.

DATED at Ottawa, this 16<sup>th</sup> day of July, 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