

Competition Tribunal



Tribunal de la Concurrence

Reference: *Commissioner of Competition v. Sears Canada Inc.*, 2002 Comp. Trib. 23

File no.: CT2002004

Registry document no.: 0096

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

AND IN THE MATTER OF an inquiry pursuant to subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Sears Canada Inc.;

AND IN THE MATTER OF an application by the Commissioner of Competition for an order pursuant to section 74.01 of the *Competition Act*.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Sears Canada Inc.
(respondent)

Date of hearing: 20031022

Member: Dawson J. (presiding)

Date of order: 20031023

Order signed by: Madam Justice Eleanor R. Dawson



ORDER REGARDING A REQUEST TO ADMIT

[1] FURTHER to a motion made orally at the hearing of this matter on October 22, 2003 by the respondent Sears Canada Inc. (“Sears”) for an order:

- (i) directing that a request to admit served upon Sears by the Commissioner of Competition (the “Commissioner”) on September 30, 2003 is not valid; or
- (ii) in the alternative, extending the time in which Sears is permitted to respond to the request to admit.

[2] AND UPON hearing the submissions of counsel for the parties;

IT IS ORDERED THAT, for reasons to be delivered in writing:

[3] The request to admit was valid and authorized pursuant to the *Competition Tribunal Rules*, SOR/94-290, as amended.

[4] The time in which Sears may respond to the request to admit is extended, such that any response shall be served upon the Commissioner before noon E.S.T. on Saturday, October 25, 2003.

DATED at Ottawa, this 23rd day of October, 2003.

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

(s) Eleanor R. Dawson

COUNSEL

For the applicant:

The Commissioner of Competition

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Arsalaan Hyder

For the respondent:

Sears Canada Inc.

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