



Reference: Commissioner of Competition v. Air Canada, 2003 Comp. Trib. 6
File no.: CT2001002
Registry document no.: 0142

IN THE MATTER of an application by the Commissioner of Competition under section 79 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER of the *Regulations Respecting Anti-Competitive Acts of Persons Operating a Domestic Service*, SOR/2000-324 made pursuant to subsection 78(2) of the *Competition Act*;

AND IN THE MATTER of certain practices of anti-competitive acts by Air Canada.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Air Canada
(respondent)

and

WestJet Airlines Ltd.
(intervenor)



Date of conference call: 20030415
Member: Blais J. (presiding)
Date of order: 20030416
Order signed by: Blais J.

ORDER REGARDING THE ISSUANCE OF THE FINAL REASONS AND ORDER

[1] FURTHER TO the application brought by the Commissioner of Competition pursuant to section 79 of the Competition Act, R.S.C. 1985, c. C-34, for an order prohibiting Air Canada from engaging in anti-competitive practices;

[2] AND BEING SATISFIED that the Competition Tribunal (the “Tribunal”) has concluded this hearing on March 5, 2003, and is in the process of deliberating in order to render its reasons and order;

[3] AND UPON BEING INFORMED of the Initial Order in Air Canada (Trustee of) (Re) (ONSC 03-CL-4932) by Farley J. of the Ontario Superior Court of Justice dated April 1, 2003 (the “Order”);

[4] AND ON CONSIDERING that pursuant to paragraph 70 of the Order, Farley J. requests “the aid and recognition” of the Tribunal, among others, “to act in aid of and to be complementary to this Court [Ontario Superior Court of Justice] in carrying out the terms of this order.”;

[5] AND BEING SATISFIED that the parties were heard through a telephone conference from Ottawa on April 15, 2003, and had provided their oral comments following Farley J.’s Order;

[6] AND BEING SATISFIED that the Order is not binding on the Tribunal;

[7] AND IT BEING UNDERSTOOD that the Tribunal agrees with the spirit of the Order;

[8] AND BEING SATISFIED that it is in the interest of justice not to release the Tribunal’s reasons and order at this time;

THE TRIBUNAL ORDERS THAT:

[9] The members of the Tribunal will complete their deliberations on the reasons and order in this case.

[10] In the spirit of Farley J.’s Order, when the reasons and order are ready, the Tribunal will consider whether it is appropriate to release them.

DATED at Ottawa, this 16th day of April, 2003.

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

(s) Pierre Blais

APPEARANCES:

For the applicant:

The Commissioner of Competition

Donald B. Houston
W. Michael G. Osborne
Jeanne L. Pratt

For the respondent:

Air Canada

Katherine L. Kay

For the intervenor:

WestJet Airlines Ltd.

Daniel J. McDonald, Q.C.