

**THE COMPETITION TRIBUNAL**

CT-95/02

**IN THE MATTER OF** an application by the  
Commissioner of Competition under sections 79 and 105 of  
the *Competition Act*, R.S.C. 1985, c.C-34, as amended;

**AND IN THE MATTER OF** an abuse of dominant  
position in the supply of shared electronic network services  
for consumer-initiated shared electronic financial services;

**AND IN THE MATTER OF** a Consent Order granted by  
the Competition Tribunal dated June 20, 1996 and varied  
on March 25, 1998, and further varied on September 8,  
2000;

**AND IN THE MATTER OF** an application by Bank of  
Montreal, et al., under sections 105 and 106(1)(b) of the  
*Competition Act*, R.S.C. 1985, c.C-34, as amended, to vary  
on consent the Consent Order granted by the Competition  
Tribunal on June 20, 1996 and varied on March 25, 1998,  
and further varied on September 8, 2000.

BETWEEN:

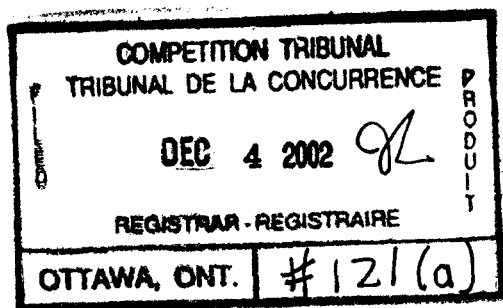
**Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.**

Applicants

- and -

**The Commissioner of Competition**

Respondent



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**NOTICE OF APPLICATION FOR AN ORDER TO VARY CONSENT ORDER**

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1. **TAKE NOTICE** that the Applicants hereby apply for an Order varying on consent the Consent Order of the Competition Tribunal (the “Tribunal”) originally dated June 20, 1996 and varied on consent by orders of the Tribunal dated March 25, 1998 and September 8, 2000, as more particularly set out in the attached Draft Consent Order and Amended Consent Agreement.

2. **AND FURTHER TAKE NOTICE** that this application is brought pursuant to sections 105 and 106(1)(b) of the *Competition Act*, R.S.C. 1985, c. 19(2<sup>nd</sup> Supp) as amended, and the *Competition Tribunal Rules*.

3. **AND FURTHER TAKE NOTICE** that the grounds upon which the application is brought is that the Commissioner of Competition (the “Commissioner”) and the Applicants have, through their counsel, consented to the attached Draft Consent Order and Amended Consent Agreement.

4. **AND FURTHER TAKE NOTICE** that the parties are available for a conference call, at the Tribunal’s convenience, to discuss any matters related to the disposition of this application.

5. **AND FURTHER TAKE NOTICE** that the parties submit that no hearing is required in light of the recent amendments to the *Competition Act* with respect to Consent Agreements.

6. **AND FURTHER TAKE NOTICE** that reference may be made to the Draft Consent Order and Amended Consent Agreement filed herewith, and to such further and additional material as counsel deem appropriate and as this Tribunal may allow.

**DATED** at Toronto, Ontario this 4<sup>th</sup> day of December, 2002.



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**AND TO:** Ms. Josephine A.L. Palumbo  
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AND IN THE MATTER OF an abuse of dominant position in the supply of shared electronic network services for consumer-initiated shared electronic financial services;

AND IN THE MATTER OF a Consent Order granted by the Competition Tribunal dated June 20, 1996 and varied on March 25, 1998, and further varied on September 8, 2000;

AND IN THE MATTER OF an application by Bank of Montreal, et al., under sections 105 and 106(1)(b) of the Competition Act, R.S.C. 1985, c.C-34, as amended, to vary on consent the Consent Order granted by the Competition Tribunal on June 20, 1996 and varied on March 25, 1998, and further varied on September 8, 2000.

BETWEEN:

Bank of Montreal, The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce,  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec,  
Credit Union Central of Canada,  
National Bank of Canada, Royal Bank of Canada,  
The Toronto-Dominion Bank, Interac Inc.  
Applicants

- and -

The Commissioner of Competition  
Respondent

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**NOTICE OF APPLICATION FOR AN ORDER  
TO VARY CONSENT ORDER**

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